WSR 26-08-028
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD

[Filed March 23, 2026, 8:16 p.m., effective April 23, 2026]

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

Purpose: Creating chapter 136-700 WAC, regarding the administration of the county local road program authorized under chapter 36.170 RCW.

Citation of Rules Affected by this Order: New chapters 136-700, 136-710, 136-720, 136-730, 136-740, and 136-750 WAC.

Statutory Authority for Adoption: RCW 36.78.070 and 36.170.010.

Adopted under notice filed as WSR 26-01-108 on December 16, 2025.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 43, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 43, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 29, 2026.

Jane Wall
Executive Director

RDS-6890.1

Chapter 136-700 WAC
ADMINISTRATION OF THE LOCAL ROAD PROGRAM

NEW SECTION

WAC 136-700-010 Purpose and authority. RCW 36.170.010 provides for a county local road program (LRP) to be established and that the county road administration board shall adopt rules necessary to implement said program. This chapter describes the manner in which the county road administration board will implement the provisions of chapter 36.170 RCW.

NEW SECTION

WAC 136-700-020 Adoption of rules. The county road administration board shall adopt rules in accordance with the provisions of statute, chapter 36.170 RCW, for purposes of administering the LRP regarding the following:

(1) Eligibility to receive funds.
(2) Functional classification.
(3) LRP projects in the six-year program.
(4) Considerations at submittal.
(5) Statewide prioritization of LRP projects.
(6) Design standards for LRP projects.
(7) Apportionment of funds to LRP projects.
(8) Allocation of funds to approved LRP projects.
(9) Matching requirements.
(10) Delegation of authority.
(11) CRAB/county contract.
(12) Processing of vouchers.
(13) Audit responsibilities.
(14) Reports to the legislature.
(15) Other matters deemed necessary by the county road administration board.

NEW SECTION

WAC 136-700-030 Eligibility to receive funds. (1) Only those counties that, during the preceding 12 months, have spent all revenues collected for road purposes only, for such purposes, RCW 36.82.070, and including traffic law enforcement as allowed under Article II, section 40 of the state Constitution, are eligible to receive funds from the county local road program, except that:

(a) Counties with a population of less than 8,000 are exempt from this eligibility restriction;

(b) Counties expending revenues collected for road purposes only on other governmental services after authorization from the voters of that county under RCW 84.55.050 are exempt from this eligibility restriction; and

(c) This restriction does not apply to any moneys diverted from the road district levy under chapter 39.89 RCW.

(2) The board shall authorize county local road grant program funds for the construction project portion of a project previously authorized for a preliminary proposal in the sequence in which the preliminary proposal has been completed and the construction project is to be placed under contract. At such time the board may reserve funds for expenditure in future years as may be necessary for completion of preliminary proposals and construction projects to be commenced in the ensuing biennium.

(3) Subject to the availability of amounts appropriated for this specific purpose, the board may consider additional projects for authorization under this chapter upon a clear and conclusive showing by the submitting county that the proposed project is of an emergent nature and that its need was unable to be anticipated at the time the six-year plan of the county was developed. The proposed projects must be evaluated on the basis of the priority rating factors specified in RCW 36.170.030.

NEW SECTION

WAC 136-700-040 Functional classification. (1) The statute specifies that eligible projects must be roads not federally classified as an arterial or collector.

(2) Each LRP project application submitted shall show the functional classification of the road or roads included in the project. Prior to project approval, the board shall verify that the road on which the LRP project is requested, is not federally classified as an arterial or collector.

NEW SECTION

WAC 136-700-050 LRP projects in the six-year program. Proposed projects must be included in the respective county's six-year plan as provided in RCW 36.81.121 before board approval of the project.

NEW SECTION

WAC 136-700-060 Delegation of authority. In order to assure effective and timely administration of the LRP, the county road administration board may delegate authority in specific matters to its executive director. Delegation may be relative to signing of contracts, approval of LRP project vouchers, approval of change of scope of a project and other matters as may be determined by the county road administration board.

NEW SECTION

WAC 136-700-070 Reports to the legislature. The board shall include a program status report in the board's annual report to the legislature as provided in RCW 36.78.070.

RDS-6891.1

Chapter 136-710 WAC
LOCAL ROADS PROGRAM—PROJECT TYPES AND DESIGN STANDARDS

NEW SECTION

WAC 136-710-010 Purpose and authority. Chapter 36.170 RCW sets forth the criteria that will be used in determining the priority of

specific improvement projects. This chapter describes how each LRP project type will rate and be prioritized statewide by project type.

NEW SECTION

WAC 136-710-020 Priorities by project type. The county road administration board has determined that the interests of the counties will be best served by encouraging development of distinct project priority rating systems for each project type.

There shall be six project types eligible for LRP funding, with each having separate rating systems for project ranking and selection.

The following project types are allowed under the county local road program created in this chapter:

(1) 2-R as defined in the LAG manual;

(2) 3-R as defined in the LAG manual;

(3) Reconstruction as defined in the LAG manual;

(4) Replacement of any bridge on the national bridge inventory;

(5) Removal of human-made or caused impediments to anadromous fish passage; and

(6) Pedestrian facilities.

In consultation with the counties, the executive director shall approve the various forms and procedures necessary to rank, select, and allocate available LRP funding.

NEW SECTION

WAC 136-710-030 Considerations at submittal. (1) Through the application process the applicant shall identify the considerations used while submitting the project. At a minimum, the applicant shall consider the following priority rating factors:

(a) Investment in overburdened communities;

(b) Environmental health disparities as identified in the environmental health disparities map specified in RCW 43.70.815;

(c) Location on or providing direct access to a federally recognized Indian reservation or lands;

(d) Sustaining the structural, safety, and operational integrity of the road;

(e) Vehicle and pedestrian collision experience;

(f) Access improvements to a community facility; and

(g) Identified need in a state, regional, county, or community plan.

(2) Through the ranking and selection process, the ranking calculation must take into account points for satisfying the considerations listed.

NEW SECTION

WAC 136-710-040 Reallocation of LRP funds between project types. In the event that no projects or an insufficient number of projects are submitted in any project type to utilize the LRP funds set aside for the project type, all remaining funds shall be divided among the

remaining project types as the county road administration board deems appropriate. The intent is to divide all available funds into project types having a sufficient number of submitted projects to fully utilize the funds available during the funding cycle.

NEW SECTION

WAC 136-710-050 Applicable design standards. Geometric design of all LRP projects including all bridge and pedestrian projects shall be in accordance with submitting agencies' design standards for the construction of urban and rural local roads as currently adopted, chapter 136-50 WAC.

NEW SECTION

WAC 136-710-060 Deviations from design standards. Deviation from the currently adopted version of the submitting county's standard, may be utilized by the county engineer, in responsible charge of the project, when circumstances exist which would make application of adopted standards exceedingly difficult. Whenever a deviation is to be made on a project, it shall be so noted on the project application submitted.

NEW SECTION

WAC 136-710-070 Project support for deviation. The county engineer submitting the deviation must provide CRAB with a copy of the letter/report, indicating the deviation from the adopted standards, process used to fully justify the deviation, and a resolution of adoption by the county legislative authority before funding will be approved.

RDS-6892.1

Chapter 136-720 WAC
LOCAL ROAD PROGRAM—PROJECT SUBMITTAL, SELECTION, AND INITIAL ALLOCATION OF PROJECTS

NEW SECTION

WAC 136-720-010 Purpose and authority. Chapter 36.170 RCW provides that the county road administration board shall administer the county local road program (LRP). This chapter describes the manner in

which counties may request LRP funds for specific project types and the manner in which the county road administration board will select projects and allocate LRP funds to such projects.

NEW SECTION

WAC 136-720-020 LRP program cycle—General. The county local road program cycle consists of the following basic steps:

(1) The county road administration board establishes a funding period if it determines that sufficient future LRP funds are available to provide for new LRP projects. This determination can take place during any of CRAB's regularly scheduled meetings.

(a) Should the board determine there are adequate LRP funds available to be allocated to LRP projects and, under advisement from the counties, the board's action shall include the determination of:

(i) Project type and the amount to be allocated to each project type listed in WAC 136-710-020;

(ii) Timeline in which eligible counties are to submit projects;

(iii) Funding limits per project;

(iv) Limits on the number of projects per county;

(v) Matching requirements for the funding period.

(b) The board's LRP funding allocation may include all or any subset of the project types described under WAC 136-710-020, as well as federally classified urban or rural areas, and this decision may be unique and may vary between funding periods.

(2) Each eligible county prepares and submits a prospectus to the county road administration board;

(3) County road administration board staff conducts a field review of each prospectus and provides to each submitting county an evaluation and scoring of all priority elements which are based on a visual examination, using the priority rating process;

(4) For each prospectus submitted, county road administration board staff computes the total priority rating score and assembles all projects into rank-ordered arrays by project type; and

(5) The county road administration board reviews the rank-ordered arrays in each project type and, based upon the LRP funds projected to be allocated for the next project program period, selects and approves specific projects for LRP funding.

NEW SECTION

WAC 136-720-030 LRP program cycle—Prospectus submittal. Each eligible county shall, for each project for which it seeks LRP funds estimated to be available in the next project program funding period, submit a prospectus to the board with the following requirements:

(1) The format and content of the prospectus shall be prescribed by the board, and each prospectus shall be submitted on forms provided by the board and must include a vicinity map, a typical cross-section (existing and proposed), and photos.

(2) Each prospectus shall be signed by the county engineer.

(3) If a design deviation is required, an evaluation and determination by the county engineer must be submitted in accordance with WAC 136-710-060 and 136-710-070.

(4) If a project is for the improvement of a road which continues into an adjacent county and the project terminus is within 1,000 feet of the county line, the prospectus shall include a statement signed by the county engineer of the adjacent county certifying that the adjacent county will cooperate with the applicant county to the extent necessary to achieve a mutually acceptable design.

(5) All prospectuses shall indicate that the design of the project shall begin not later than one year from the date of project approval by the board, and that construction of the project shall begin not later than four years from the date of project approval by the board.

All counties shall use current cost pricing to estimate project costs. Inflation and contingency rates will be applied by the board based upon project type.

NEW SECTION

WAC 136-720-040 LRP program cycle—Field review by county road administration board. After all prospectuses are received, the county road administration board will schedule and conduct an on-site field review of each project. During the field review, conducted jointly with the county engineer or his/her designee (unless waived by the county engineer), the assigned county road administration board staff person will review the overall project scope with the county representative and, using the priority rating process developed by the board, determine the rating score of all priority elements which are based on a visual examination. To ensure both uniformity and professional judgment in the visual ratings, the assigned county road administration board staff person shall be assigned by the deputy director and be a licensed professional civil engineer in the state of Washington or have significant experience in the design of road and bridge projects, and the same person shall review and rate all projects statewide. All field reviews will be completed, each project's type will be set, and the visual rating scores returned to each submitting county.

NEW SECTION

WAC 136-720-050 LRP program cycle—Total project rating and priority array. County road administration board staff will review all prospectuses and ensure that:

(1) All necessary information is included;

(2) The project is eligible for LRP funding;

(3) The project schedule indicates that preliminary engineering will begin not later than one year from the date of project approval by the county road administration board, and that the construction of the project will begin not later than four years from the date of project approval by the county road administration board; and

(4) The total project priority rating is mathematically correct and the visual rating scores determined during the field review are included.

(5) Existing and proposed roadway cross sections, project narrative, and preconstruction photos are attached.

After county road administration board staff review, all accepted prospectuses will be placed in a declining total project rating array. After review by the county road administration board at its next regular meeting, the priority array for each project type will be provided to each county. These arrays will be preliminary only and will be provided to the counties to assist them in their internal budgeting and programming. No notations as to whether a particular project will or will not be funded will be included. Projects not adopted in the six-year transportation program by board's process outlined in WAC 136-720-060 will be dropped from the array of eligible projects and the revised array will be presented to the county road administration board.

NEW SECTION

WAC 136-720-060 LRP program cycle—Selection and approval of projects for LRP funding. (1) At the board's next regularly scheduled meeting, the county road administration board will select projects and allocate anticipated LRP funds to projects. The preliminary priority arrays as developed in WAC 136-720-050 will be updated to exclude any county which is ineligible under WAC 136-700-050, and projects will be selected from these arrays. Selections will be made by each project type statewide in declining priority rank order, provided that no county shall be allocated LRP funds in excess of the limits as set in WAC 136-720-020.

(2) The statewide net amount of LRP funds available for allocation to projects in the funding period will be based on procedures outlined in WAC 136-720-020 and appropriated by the legislature.

(3) Acceptance of the LRP allocation for a project by the full execution of a CRAB/county contract as described in WAC 136-730-030 constitutes agreement to complete the project in compliance with the scope, design, and project limits in the prospectus. All material changes to the scope, design, or project limits must be approved by the county road administration board prior to commencement of construction.

NEW SECTION

WAC 136-720-070 Limitations on use of LRP funds—Matching funds. LRP funds requested and allowed to a project are limited to the match requirements established by county road administration board at the time of call for projects developed in conjunction with policy following RCW 36.170.060. The match requirements will be applied to the total eligible project development costs, which may include preliminary engineering and construction costs for all project types identified in WAC 136-710-020 and right-of-way costs for project types identified in WAC 136-710-020 (2) through (6).

Even though additional and eligible project development costs may be incurred by a county for a specific project, the maximum amount of LRP funds for that project is limited to the amount allocated and shown in the CRAB/county contract, unless the allocation is increased pursuant to WAC 136-740-020.

RDS-6893.2

Chapter 136-730 WAC
LOCAL ROADS PROGRAM—PROJECT CONTRACT, VOUCHER AND AUDIT

NEW SECTION

WAC 136-730-010 Purpose and authority. Chapter 36.170 RCW provides that the county road administration board shall administer the county local road program (LRP). This chapter describes the individual project contract between the county road administration board and a county (CRAB/county contract), the manner in which the county road administration board will implement the provisions related to payment of vouchers, and the provisions for audit of LRP projects.

NEW SECTION

WAC 136-730-020 Notification of counties. The county road administration board shall, within 10 days of its LRP project approval meeting, notify each county having an approved project of such approval and of the amount of LRP funds allocated to each approved project. The county road administration board shall offer a contract for each such approved project setting forth the terms and conditions under which LRP funds will be provided.

NEW SECTION

WAC 136-730-030 Terms of CRAB/county contract. (1) The CRAB/county contract shall include, but not be limited to, the following provisions:

(a) The contract shall be valid and binding, and the county shall be entitled to receive LRP funding in accordance with the vouchering/payment process as described in this chapter, only if the contract is properly signed and returned to the county road administration board within 60 calendar days of its transmittal by the county road administration board.

(b) The county certifies that it is in compliance with the provisions of chapter 136-700 WAC.

(c) The project will be constructed in accordance with the scope, design, and project limits as described in the prospectus and in accordance with the plans and specifications approved by the county engineer and, if applicable, the phased construction plan submitted by the county engineer to the county road administration board.

(d) The county will notify the county road administration board if:

(i) A single construction contract is intended to fully complete the project, at the time of project advertisement, construction contract, and when the project has been completed. Should the small works roster process be utilized, then the initial notice must occur prior to initiating the contractor selection process.

(ii) County forces are utilized to fully complete the project, at the time of project notice, as required in RCW 36.77.070, commencement of construction activities, and when the project has been completed.

(iii) The project applies a phased construction methodology, at those times described in a phased construction plan, consistent with subsection (2) of this section.

(e) The county road administration board will reimburse counties on the basis of monthly progress payment vouchers received and approved on individual projects in the order in which they are received in the county road administration board office, subject to the availability of LRP funds apportioned; or subject to a minimum balance determined by CRAB for the purposes of cash flow; provided, however, that if insufficient LRP funds are available or the legislature fails to appropriate sufficient LRP funds, payment of vouchers may be delayed or denied. Counties are ineligible to receive LRP funded construction cost reimbursements prior to satisfaction of the initial project notice requirement described in (d) of this subsection.

(f) The county will reimburse the LRP funds in the event a project post-audit reveals ineligible expenditures of LRP funds.

(g) The county may be required to reimburse the LRP funds in the event of early termination in accordance with the provisions of chapter 136-750 WAC.

(h) The county agrees to amend the contract in cases where:

(i) Additional LRP funds have been requested and approved under chapter 136-740 WAC;

(ii) Other relief from the original scope, design, or project limits has been approved by the county road administration board under chapter 136-750 WAC; or

(iii) A project has been terminated without full LRP funds reimbursement under chapter 136-750 WAC.

(iv) The county agrees to provide periodic project development progress reports as requested by the county road administration board.

(2) Counties may implement a phased construction methodology in the completion of LRP funded projects. A phased construction methodology is described as the process to implement multiple construction contracts through competitive bid and award, contracts awarded through exercise of the small works roster process, or construction by county forces, or a combination of two or more of these three methods, in order to complete a single LRP funded project. If a county elects to use phased construction methodology, construction of at least one of the project phases must commence by the lapsing date and all remaining phases must commence within two years of commencement of the first phase. In the event the county fails to meet either of these timelines, repayment of expended LRP funds for all phases of the project

will be required unless waived by the county road administration board in keeping with the provisions of this section.

(a) In order to be considered phased construction, each phase must:

(i) Be distinct, independent, and nonoverlapping construction activities as to location and type of work;

(ii) Result in separate function and utility;

(iii) Be part of related and sequential construction activities that lead to overall project completion;

(iv) Separately and collectively comply with state laws as to procurement of contract work and use of county forces.

(b) In order to satisfy notification requirement of subsection (1)(d) of this section, a phased construction plan must be developed and submitted to the county road administration board at least 15 calendar days prior to contract bid advertisement, beginning the selection process for a contractor through a small works roster process, or commencement of construction by county forces, whichever occurs first. The phased construction plan must:

(i) Include a description of each construction phase, the contracting method to be employed, or that county forces will be used;

(ii) Include an estimated cost and begin and end dates for each construction phase; and

(iii) Describe the relationship between construction phases and ultimate completion of the overall project.

NEW SECTION

WAC 136-730-040 Combining CRAB/county contracts. In those cases when a county desires to combine two or more adjacent LRP funded projects into a single 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 LRP 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.

NEW SECTION

WAC 136-730-050 Bundling of construction projects. In those cases when a county desires to bundle two or more LRP 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 bundle the projects into a single construction con-

tract. This request must describe the benefit to bundling the projects into a single construction contract and demonstrate how the county will separately track each individual project/item cost.

Upon receipt of a letter of request to bundle funded projects for construction, a letter approving or denying the request will be prepared and sent to the county from the county road administration board executive director.

NEW SECTION

WAC 136-730-060 Combining of LRP funded project with non-LRP funded project. In those cases when a county desires to combine a LRP funded project with one or more adjacent non-LRP 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 LRP 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 LRP funded items of work will be sufficiently separated from other work, the CRAB director will respond in writing to grant the combination. Projects shall be considered adjacent if they have a common terminus.

Federally funded projects are not eligible to combine with LRP funded projects.

NEW SECTION

WAC 136-730-070 Voucher form. The county road administration board shall prepare and distribute to all counties with approved LRP projects a voucher process for use in requesting progress payments and final payment for each approved LRP project.

NEW SECTION

WAC 136-730-080 Voucher approval. The county constructing each LRP project may submit vouchers monthly as the work progresses and shall submit a final voucher after completion of each LRP project for the payment of the LRP share of the project cost. Each voucher shall include total project costs to date, including costs covered by other funding sources. The county shall include with each voucher sufficient documentation to verify costs. Reimbursable costs include all eligible direct costs for the design, right-of-way, and construction phases. Indirect costs including overhead and support services shared by multiple department's programs or funds such as accounting, payroll, administrative, or human resources salaries, and benefits and information technology services for the county shall not be reimbursed. The chair of the county road administration board or his/her designee

shall approve such vouchers for payment to the county submitting the voucher.

NEW SECTION

WAC 136-730-090 Payment of vouchers. Upon approval of each LRP project voucher by the chair of the county road administration board or his/her designee, it shall be transmitted to the state treasurer.

NEW SECTION

WAC 136-730-100 Provisions for audit of LRP projects. (1) Audit provisions. LRP project audits may be conducted by the state auditor's office and will normally be conducted in conjunction with the audits of the different counties of the state as required by RCW 43.09.260 and 36.80.080. Special audits of specific LRP projects may be accomplished at the request of the county road administration board. If a special audit is conducted outside the confines of those audits required by the above statutes, then the costs of the special audit shall be the responsibility of the county road administration board.

(2) Scope of audits. The audit of any LRP project shall include, but not be limited to, the review of the county's compliance with:

(a) The provisions of the act; and

(b) The rules in Title 136 WAC regarding implementation and administration of the act, with detailed review of uses of county road taxes, application of LRP funds, and the various reporting requirements.

The audit shall also include a review of the financial accounting and reporting of those funds associated with and received for the LRP project.

(3) Noncompliance, questioned costs, and post-audit penalty. If the audit of a LRP project reveals any area of noncompliance and/or questioned costs, then such exceptions shall be subject to comment by the examiner within the audit report. In the event an exception has been noted within the audit report, it shall be the duty of the county road administration board to discuss and evaluate the noted discrepancy. Discrepancies may be cause for the county road administration board to order the payback of any LRP funds that have been expended on ineligible activities and/or withdrawal or denial of the certificate of good practice of the county in question as provided in chapter 136-04 WAC.

RDS-6894.1

Chapter 136-740 WAC
LOCAL ROADS PROGRAM—PROJECT INCREASES AND ADVANCEMENT OF FUNDS

NEW SECTION

WAC 136-740-010 Purpose and authority. Chapter 36.170 RCW provides that the county road administration board shall administer the county local road program (LRP). This chapter describes the manner in which counties may request an increase in the amount of LRP funds allocated to a project and request an advancement of funds for an approved project.

NEW SECTION

WAC 136-740-020 Requirements for consideration of LRP fund increases. (1) When a county submits its prospectus as described in WAC 136-720-030, the county road administration board presumes that the amount of LRP funds requested, plus any non-LRP funds that may be designated for the project, are sufficient to fully, and in a timely manner, complete the project as described.

(2) All cost increases during the course of construction shall be the responsibility of the county. In extraordinary circumstances, a county may request an increase in the amount of LRP funds allocated to a project. A county may request an increase in a project's LRP allocation once during the course of a project's development, and such request may occur only after completion of preliminary engineering, but prior to commencing construction. A project shall be considered to have commenced construction if:

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

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

Requests for increases in excess of 25 percent of the original LRP 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. If current funding sources are not sufficient to cover the costs beyond a 25 percent increase, the county may resubmit the same project for funding in the next funding period. Upon funding of the new project by the county road administration board, the previous contract shall become void. All LRP funds expended on the previous contract shall be repaid to the county road administration board unless waived by the county road administration board in keeping with provisions of WAC 136-750-060.

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

(a) The county at the time of preparing its 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 LRP 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 CRAB, 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 CRAB, 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 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 LRP 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 LRP 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;

(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 LRP funds; and/or

(f) The lowest responsive bid for construction exceeds the amount of available funding for construction; provided that said bid is determined by the county engineer to be reasonable and the increased cost of the bid can be justified.

NEW SECTION

WAC 136-740-030 LRP project increases evaluation, consideration, and action. (1) In deciding whether to grant a request for an LRP allocation increase submitted under the provisions of WAC 136-740-020, the county road administration board will consider the following factors:

(a) Whether the county, at the time of preparing its project prospectus, considered the factors listed in WAC 136-740-020(4);

(b) Whether the county's request for an increased allocation is based on extraordinary and unforeseeable circumstances of the type listed in WAC 136-740-020(5);

(c) Whether it is feasible to reduce the scope and/or project limits so the project can be substantially constructed within the initial LRP allocation;

(d) Whether the request is to pay for an expansion of the project; and

(e) Whether the increased allocation will have an adverse effect on other approved or requested LRP funded projects.

(2) The executive director shall approve or deny a county's request for additional funds.

(a) If the request is approved, in whole or in part, the executive director is authorized to execute an amendment to the CRAB/county contract. Upon execution of a contract amendment under this chapter, the executive director will advise board members of the amendment details at the next CRAB board meeting.

(b) If the request is denied, in whole or in part, the county may appeal the executive director's decision at the board's next regularly scheduled board meeting.

NEW SECTION

WAC 136-740-040 Amendment of CRAB/county contract. All changes in approved LRP allocations and other county road administration board actions taken under the provisions of this chapter shall be reflected by amending the CRAB/county contract. Failure of a county to sign and return an amended CRAB/county contract within 45 calendar days of its transmittal by the county road administration board shall nullify all allocation increases and other county road administration board actions.

NEW SECTION

WAC 136-740-050 LRP program advancing funds. (1) Counties may request advancing LRP funds. Such a request by a county shall demonstrate the ability to proceed with the project ahead of the regular funding schedule.

(2) In considering a request to advance LRP funding, the county road administration board will review the county's justification, the current LRP appropriation, and expected reimbursements.

(3) The executive director shall approve or deny a county's request for advancing LRP funds.

(a) If the request is approved, in whole or in part, the executive director is authorized to execute an amendment to the CRAB/county contract. Upon execution of a contract amendment under this chapter, the executive director will advise board members of the amendment details at the next CRAB board meeting.

(b) If the request is denied, in whole or in part, the county may appeal the executive director's decision at the board's next regularly scheduled board meeting.

RDS-6895.1

Chapter 136-750 WAC
LOCAL ROAD PROGRAM—EMERGENT PROJECTS, WITHDRAWALS, EARLY TERMINATION, AND LAPSING

NEW SECTION

WAC 136-750-010 Purpose and authority. Chapter 36.170 RCW provides that the county road administration board shall administer the county local road program (LRP). This chapter describes the manner in which counties request funding for emergent projects, and in which manner the county road administration board will administer said emergent projects, withdrawals, early termination, and lapsing of approved projects.

NEW SECTION

WAC 136-750-020 Emergent project eligibility. Projects of an emergent nature may be funded through the local road program as authorized by RCW 36.170.070. An emergent project is defined as a project whose need the county was unable to anticipate at the time the six-year program of the county was developed. Emergency work to temporarily restore a county road for the short-term use of the traveling public is not eligible for funding as an emergent project; however, a project to permanently repair a county road after an emergency may be considered for funding if the proposed project meets all other requirements of the local road program.

To be eligible for emergent project approval, the project shall be evaluated by the county road administration board grant programs engineer, with the participation of the county engineer, on the same point system as all other projects within project type. The proposed emergent project must rank at or above the project type funding cutoff line on the current array based upon 100 percent of the current estimated allocation as determined by the county road administration board.

NEW SECTION

WAC 136-750-030 Emergent project limitations and conditions. All projects for which local road program funding is being requested under this chapter are subject to the following:

(1) The requesting county has the sole burden of making a clear and conclusive showing that the project is emergent as described in this chapter; and

(2) The requesting county shall clearly demonstrate that the need for the project was unable to be anticipated at the time the current six-year transportation program was developed.

NEW SECTION

WAC 136-750-040 Emergent project—Action by the county road administration board. Counties may request consideration and action by the county road administration board at any time, however, the county road administration board will address all such requests at its next regular quarterly meeting. A county may request, and the county road administration board chair may convene, a special meeting to consider such a request as provided for in WAC 136-01-030.

NEW SECTION

WAC 136-750-050 Withdrawal of LRP project before CRAB/county contract. At any time after the submittal of a prospectus and prior to the time of the CRAB/county contract execution, a county may withdraw a LRP funded project. The statement of withdrawal must be in writing and signed by the county engineer. The withdrawal shall be effective upon receipt by the county road administration board.

NEW SECTION

WAC 136-750-060 Termination of approved project after LRP CRAB/county contract. (1) If a county terminates an uncompleted LRP funded project for which CRAB/county contract has been executed, for other than an unanticipated scope change, and is prepared to repay the LRP for all LRP funds received, the county shall, by means of a letter signed by the chair of the board of county commissioners or the county executive as appropriate, inform the county road administration board of its termination of the project. The letter shall state the reasons for termination and commit to repaying all LRP funds received for the project. Upon acknowledgment of such termination by the county road administration board, the county shall repay the county road administration board for all LRP funds paid to the county on that project within 60 days of such acknowledgment. After receipt of the LRP repayment, the county road administration board will void the CRAB/county contract and allocate the LRP funds to other projects within the project type.

(2) If a county terminates an uncompleted LRP funded project for which a CRAB/county contract has been executed, for other than an unanticipated scope change, and does not want to be required to repay the county road administration board for all LRP funds received, a letter of request signed by the chair of the board of county commissioners or the county executive as appropriate must be sent to the county road administration board. The request must include:

(a) An explanation of the reasons that the project will not proceed to completion;

(b) A statement of the amount of LRP funds which the county does not want to repay;

(c) An explanation of why the county believes full repayment should not be made; and

(d) Agreement to provide supporting documentation for amounts the county does not want to repay.

If the county road administration board grants the request, the county shall repay all LRP funds not exempted from repayment within 60 days of the county road administration board's action, the CRAB/county contract will be amended, and the remaining LRP funds will be allocated to other projects. If the county road administration board denies the request, full repayment shall be made as provided in subsection (1) of this section.

NEW SECTION

WAC 136-750-070 Lapsing of LRP allocation for approved projects. To encourage timely development and construction of approved projects, all projects for which LRP 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 LRP funds from the project.

(1) For the purposes of this section, a project will be subject to lapsing and withdrawal of its LRP allocation if:

(a) The project has not begun the preliminary engineering within one year of project approval by the county road administration board; or

(b) During the preliminary engineering or right-of-way phase, if the county has not documented progress through the reimbursement process within a six-month period, the county will be notified that the project will lapse within six months from notification, unless the county can document progress through the reimbursement process within that six-month period;

(c) The project has not begun construction within four years of the date of project approval by the county road administration board;

(d) For construction only project awards, a project shall be considered lapsing if construction does not commence within two years from the date of project approval by the county road administration board.

(2) A project shall be considered in preliminary engineering if a minimum of $5,000 of LRP funds have been expended or evidence that a minimum of post CRAB/county funds of $5,000 of non-LRP funds have been expended for preliminary engineering as provided for in RCW 36.75.050.

(3) Documented progress shall be considered satisfied if a minimum of $5,000 of LRP funds have been expended in the previously six-month period.

(4) 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.

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

(6) At any time up to 10 days before such meeting, the county may, in writing, request an extension of the lapse date. The county road administration board may grant such an extension if it 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 county can demonstrate that the project was actively pursued for completion within the original CRAB/county contract terms and can be completed within a two-year extension; and

(c) 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 LRP funding; and

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

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

(7) CRAB may in its discretion determine that for the public safety, health, or general welfare, an additional extension is necessary. If such a determination is made, CRAB may grant an additional extension and set the duration thereof.

(8) CRAB 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 CRAB's programming needs. For those projects given a lapsing moratorium, subsection (4) of this section shall be held in abeyance until the new lapsing date.