



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: County Road Administration Board

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose:

Housekeeping changes to WAC's 136-12-020, 136-16-035, 136-20-020, 136-20-030, 136-20-040, 136-20-050, 136-20-060, 136-60-050, 136-60-060, 136-70-010, 136-70-030, 136-70-040, 136-70-080, 136-70-090, 136-210-020, 136-210-030, 136-210-040, 136-210-050, 136-300-020, 136-300-040, 136-300-050, 136-300-060, 136-300-070, 136-300-090, 136-16-030, 136-50-055

Citation of existing rules affected by this order:

Repealed:

Amended: 136-12-020, 136-16-035, 136-20-020, 136-20-030, 136-20-040, 136-20-050, 136-20-060, 136-60-050, 136-60-060, 136-70-010, 136-70-030, 136-70-040, 136-70-080, 136-70-090, 136-210-020, 136-210-030, 136-210-040, 136-210-050, 136-300-020, 136-300-040, 136-300-050, 136-300-060, 136-300-070, 136-300-090, 136-16-030, 136-50-055

Suspended:

Statutory authority for adoption: 36.78

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 14-10-068 _____ on May 6, 2014 _____ (date).

Describe any changes other than editing from proposed to adopted version:

Because WSDOT Local Programs recently changed their name - WAC's 136-20-020, 136-20-030, 136-20-040, 136-210-030, 136-210-040, 136-210-050 removed "highways and local".

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

Date adopted: July 31, 2014

NAME (TYPE OR PRINT)

Jay P. Weber

SIGNATURE

TITLE

Executive Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 13, 2014

TIME: 2:02 PM

WSR 14-17-035

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>25</u>	Repealed	_____
-----	-------	---------	-----------	----------	-------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

AMENDATORY SECTION (Amending WSR 02-18-018, filed 8/22/02, effective 9/22/02)

WAC 136-12-020 Procedure during vacancy. It is unavoidable that vacancies will occur from time to time in the position of county engineer. When a vacancy occurs in the office of county engineer due to resignation, retirement, death or for any other reason, the county legislative authority shall take immediate steps to find a replacement, either by promotion from within the organization if a competent and eligible person is available, or by advertisement for, and interview of, qualified applicants. The county legislative authority or county executive shall, in writing, by electronic e-mail or official letter, within five working days, notify the county road administration board of the vacancy, and of the procedure to be followed during the period of vacancy. The notice to the county road administration board shall state that the legislative authority or county executive has reviewed the requirements within this chapter.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-16-035 Requirements of listing maintenance ((and special maintenance)). In accordance with RCW 36.81.130, the annual program shall also include the amounts to be expended for maintenance ((and special maintenance)) but details of ((these)) the proposed expenditures shall not be made. This requirement shall be deemed satisfied by submission of a maintenance management work plan and budget per WAC 136-11-040.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-20-020 Inventory. Each county engineer shall have available in his or her office a complete inventory of all National Bridge Inventory (NBI) bridges on the county road system. The inventory shall list the location of each bridge by the state road log number and appropriate ~~((milepoint))~~ milepost, and shall include such other information as the engineer deems necessary. In addition, all data required for the ~~((state of))~~ Washington state bridge inventory ~~((of bridges and structures (SWIBS)))~~ system (WSBIS) data base system as maintained by the Washington state department of transportation (WSDOT) shall be submitted to the WSDOT ~~((TransAid Service Center))~~ local programs bridge engineer on appropriate media furnished or otherwise approved by the WSDOT. It is highly recommended that each county engineer maintain a similar inventory of the short span bridges, drainage structures, and large culverts on the county road system.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-20-030 Inspection. Each county engineer shall be responsible for all routine and special inspections of all NBI bridges on the county road system in accordance with the National Bridge Inspection Standards (NBIS) as promulgated and periodically revised by the WSDOT ~~((TransAid Service Center))~~ local programs office. The county engineer shall note the date of all inspections and any changes since the previous inspection on the ~~((SWIBS))~~ bridge inspection report and the WSBIS form and submit all such forms to the WSDOT ~~((TransAid Service Center))~~ local programs bridge engineer within ninety days of each inspection. It is highly recommended that each county engineer perform routine inspections of the short span bridges, drainage structures, and large culverts on the county road system.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-20-040 Certification. Prior to April 1st of each calendar year, the WSDOT ~~((assistant secretary for the TransAid Service Center))~~ director of local programs will provide the following to the county road administration board:

(1) A listing on a county-by-county basis of all county NBI bridges which have not had a regular ~~((SWIBS))~~ WSBIS and bridge inspection report submitted within the previous thirty months; and

(2) A listing on a county-by-county basis of all county NBI bridges which have not had a required special inspection report submitted within six months after the required inspection date; and

(3) A listing of all counties which are not in compliance with the requirements of the National Bridge Inspection Standards and the status of efforts toward achieving such compliance.

Any county which is not in compliance with the NBIS or has a bridge or bridges on any of the above listings shall be assumed to be not in compliance with bridge inspection procedures.

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

WAC 136-20-050 Failure to comply. Failure of a county to be shown in compliance with required NBIS bridge inspection procedures may be cause for the county road administration board to withhold a certificate of good practice on behalf of that county in accordance with the procedures of chapter 136-04 WAC.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-20-060 Engineer's report. Each county engineer shall furnish the county legislative authority with a written ((~~resume~~)) report of the findings of the bridge inspection effort. This ((~~resume~~)) report shall be made available to said authority and shall be consulted during the preparation of the proposed six-year transportation program revision. The ((~~resume~~)) report shall include the county engineer's recommendations as to replacement, repair or load restriction for each deficient bridge. The resolution of adoption of the six-year transportation program shall include assurances to the effect that the county engineer's report with respect to deficient bridges was available to said authority during the preparation of the program. It is highly recommended that deficient short span bridges, drainage structures, and large culverts be included in said report.

AMENDATORY SECTION (Amending WSR 03-05-009, filed 2/7/03, effective 3/10/03)

WAC 136-60-050 Validation requirements for control fields. Each update of a road log segment that involves a change in a control field (including additions or deletions of road segments) will be validated by the county road administration board. Documentation necessary to support control field changes is as follows:

Function class - Notice of FHWA approval from WSDOT.

Pavement type - Statement signed by county engineer with list of pavement type changes.

Responsible agency - The responsible agency is the legislative authority of the appropriate governmental agency with the authority to make the decision required for the action, or the state or federal government person authorized to approve changes.

Addition of mileage - Official document signed by responsible agency authorizing and describing the circumstances of the addition. For example, additions can occur through county legislative approval of new plat, construction/reconstruction on new alignment, or a change in jurisdiction.

Deletion of mileage - Official document signed by responsible agency authorizing and describing the circumstances of the deletion. For example, deletions can occur through legislative approval of vacations or a change in jurisdiction.

Traffic volume - Statement signed by county engineer with list of segments affected by change in traffic volume.

All changes to a control field will be located on appropriate map(s) with sufficient detail to identify the location of each change. All map(s) furnished in support of control field changes will be forwarded by the county road administration board to WSDOT for future ~~((map base updates))~~ reference and use.

AMENDATORY SECTION (Amending WSR 03-05-009, filed 2/7/03, effective 3/10/03)

WAC 136-60-060 ((Utilization)) Use of common computer data base. Each county shall ~~((utilize))~~ use the computer data base application software for the maintenance and updating of its county road log ~~((This data base application software shall be))~~ prescribed by the county road administration board ~~((and))~~. Each county shall be responsible for the purchase and installation of the requisite software on its own Windows compatible computer. To assist each county to meet its eligibility requirements, the county road administration board shall provide technical support and training.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-70-010 Purpose and authority. RCW ((46.68.095)) 46.68.090 authorizes the county road administration board to adopt rules for administering the county arterial preservation account, including the requirement that each county implement a pavement management system. This chapter outlines the method by which the use of a pavement management system will be assured.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-70-030 Application. A pavement management system shall be used by all counties to guide the pavement preservation and rehabilitation activities on all county paved collector and arterial roads. Beginning January 1, 1996, each county shall utilize a computer-based PMS meeting the requirements of WAC 136-70-040 on all county paved collector and arterial roads in order to retain eligibility for CAPP funds. Application of the PMS to the local access system will not be required to retain eligibility for CAPP funds.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-70-040 Pavement management system requirements. Each county's PMS shall meet the following minimum standards:

(1) All county jurisdiction paved collectors and arterials, as defined by the most recently approved county road log as described in chapter 136-60 WAC, shall be surveyed for visual pavement distress at least biennially. Distress rating information must be keyed to the county road log by both road number and mileposts.

(2) All visual distresses (or defects) for both flexible and rigid pavements, both in severity and extent, shall be as defined within the "*Pavement Surface Condition Rating Manual*" (March 1992, produced by the Washington state transportation center in cooperation with the northwest pavement management systems users group and the Washington state department of transportation). Only those distresses noted as "core program defect" are required to be surveyed. Measurement may be at the project, segment, or sample unit level. Measurement for each distress will be by one of the following:

(a) Selection of the most predominant severity and extent combination; or

(b) Determination of the extent percent of each level of severity.

Measurement may be by a manual or automated visual condition rating process. The distress information will be converted to a pavement condition rating in accordance with a standard deduct matrix or continuous deduct value curves as provided by the county road administration board. Alternate deduct matrices may be used by a county for internal

management analyses. Alternate distress determination and evaluation methodologies may be used if approved by the county road administration board in accordance with WAC 136-70-050. The PMS shall provide for the recording and storage of pavement resurfacing, rehabilitation and reconstruction history data, including surfacing and base layer types and thicknesses, and year of application. Counties will not be required to determine such information for any work done prior to the county's implementation date.

(3) The PMS shall include a future pavement condition prediction model that uses the periodic pavement condition distress data to forecast future pavement condition and to determine an estimate of service life.

(4) The PMS shall provide for annual downloading to the county road administration board of one of the following for all paved collectors and arterials surveyed for pavement condition in the previous twelve months:

(a) The individual pavement distresses;

(b) The resultant pavement condition rating based on the standard deduct matrix provided by the county road administration board; or

(c) The resultant pavement condition rating for an approved alternative PMS as described in WAC 136-70-050.

Such downloading shall be called the pavement condition data file. It shall be keyed to the county road log, and shall be transmitted in the electronic medium and format specified by the county road administration board, along with the annual road log update required by chapter 136-60 WAC.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-70-080 County road administration board assistance. To ~~((enable))~~ assist each county to meet its eligibility requirements, the county road administration board shall provide ~~((a))~~ PMS software, application and training ~~((as part of its agency supported county road information system. The county road administration board shall also provide to counties, upon request, administrative and technical assistance related to defining, developing, operating, managing and utilizing pavement management technology))~~.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-70-090 Use of pavement management system data for distribution of county arterial preservation account funds. The results and/or data from the individual or collective county pavement management systems will not be used to distribute CAPA funds nor to establish priorities for specific projects or otherwise alter the statutory fund distribution. Said results and/or data will be used to evaluate regional or statewide collector and arterial preservation and rehabilitation needs and to demonstrate compliance with the enabling legislation.

AMENDATORY SECTION (Amending WSR 01-17-104, filed 8/21/01, effective 9/21/01)

WAC 136-210-020 Applicable design standards. Geometric design of all RAP projects including all bridges shall, unless otherwise approved by the CRABoard, be in accordance with the city and county design standards for the construction of urban and rural arterials and collectors as currently adopted (~~(November 30, 1994, or as they may be revised from time to time thereafter in accordance with RCW 35.78.030 and 43.32.020)~~).

AMENDATORY SECTION (Amending WSR 01-05-009, filed 2/8/01, effective 3/11/01)

WAC 136-210-030 Deviations from design standards. Deviation from the specified design standards may be requested 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 request is to be made on a project, it shall be so noted on the project application submitted in accordance with WAC 136-161-050. Request for deviation shall be made to the WSDOT (~~((assistant secretary for highways and))~~) director of local programs.

AMENDATORY SECTION (Amending WSR 01-05-009, filed 2/8/01, effective 3/11/01)

WAC 136-210-040 Report of (~~((assistant secretary for highways and))~~) director of local programs. Whenever the CRABoard meets to approve RAP projects the (~~((assistant secretary for highways and))~~) director of local programs shall provide a written report on his or her action in response to deviation requests, if any, made on individual projects. Failure of the (~~((assistant secretary for highways and))~~) director of local programs to report in response to a deviation request within thirty days of receipt of such request shall be considered as approval.

AMENDATORY SECTION (Amending WSR 01-05-009, filed 2/8/01, effective 3/11/01)

WAC 136-210-050 Project approval with deviation. After having received the report of the (~~((assistant secretary for highways and))~~) director of local programs in response to deviation requests, the CRABoard shall proceed with RAP project approval in accordance with WAC 136-161-050. Proposed projects for which the deviation request has been denied shall not be approved.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-300-020 Adoption of rules. The county road administration board shall adopt rules in accordance with the provisions of the statute for purposes of administering the CAPP regarding the following:

- (1) Distribution of ((+)CAPA(+)) funds.
- (2) Pavement management systems.
- (3) Preparation of annual county arterial preservation programs.
- (4) Allowable activities for CAPA funding.
- (5) Accounting and audit provisions.
- (6) Annual CAPP accomplishments report.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-300-040 Staff services and facilities. The county road administration board shall arrange for all necessary staff services and facilities necessary for the efficient administration of the county arterial preservation program. The costs of such services and facilities as well as all other lawful expenses of the county road administration board that are attributable to CAPP shall be paid from funds in the county arterial preservation account (CAPA) in the motor vehicle fund.

AMENDATORY SECTION (Amending WSR 06-11-067, filed 5/12/06, effective 6/12/06)

WAC 136-300-050 Distribution of CAPA funds. (1) Certification of county arterial mileage.

(a) Classification. The statute specifies that expenditure of CAPA funds is restricted to paved arterials in the unincorporated area of each county. Arterials are defined as being those county roads:

(i) In urban areas, classified within the federal functional classification system as arterials or collectors;

(ii) In rural areas, classified within the federal functional classification system as arterials, major collectors, or minor collectors.

(b) Paved roads are defined as those roads which, at the time of CAPA allocation determination, are hard-surfaced through the application of a bituminous surface treatment (BST), asphaltic concrete pavement (ACP), or portland cement concrete (PCC). Brick or block surfaces shall also be considered as paved.

(c) Source of information. The master county road log as maintained by the county road administration board in accordance with chapter 136-60 WAC shall be the source of official paved road mileage to be used for CAPA distribution.

(2) Establishment of allocation percentages. At its first regular meeting after July 1 of each year, the county road administration

board shall establish the next calendar year's allocation percentages for the individual counties based on information contained in the most recently certified master county road log. Each county's allocation percentage shall be computed by the county road administration board as its percentage of paved arterial lane miles of the total statewide paved county arterial lane miles.

(3) Notice to counties. Upon their establishment, the county road administration board shall notify the county legislative authority and the county engineer of each county of the respective county's CAPA allocation percentage and the latest estimate of the amount of CAPA funds to be allocated during the next calendar year.

(4) Distribution to counties. Distribution of allocated CAPA funds shall be done monthly by the state treasurer. The state treasurer shall use the allocation percentages provided by the county road administration board as computed under the provisions of subsection (2) of this section.

(5) Eligibility. All arterial preservation work and related activities, and maintenance management done by each county shall be eligible for CAPA funding provided that:

(a) The county is determined to be in compliance with the pavement management system requirements as set forth in chapter 136-70 WAC; and

(b) The county engineer submits the annual ((CAPA)) county arterial preservation program (CAPP) to CRAB as required in WAC 136-300-060; and

(c) The work is in conformance with the allowable activities as specified in WAC 136-300-070.

AMENDATORY SECTION (Amending WSR 06-11-067, filed 5/12/06, effective 6/12/06)

WAC 136-300-060 Annual county arterial preservation programs.

Each county engineer shall, in conjunction with the county's annual road construction program as required by RCW 36.81.130 and chapter 136-16 WAC, prepare an annual county arterial preservation program. Appropriate forms will be provided by the county road administration board.

The county's annual arterial preservation program shall consist of a list of all proposed county arterial preservation projects and activities as well as total planned expenditure of CAPA and non-CAPA funds for maintenance management and pavement management for the ensuing year. In order to evaluate the relative ability of CAPA funds to meet the county's total arterial pavement preservation needs, the annual county arterial preservation program shall identify those projects for which CAPA funding is available.

The county engineer shall submit the proposed county arterial preservation program to the county road administration board along with the county's annual road program and budget in accordance with chapter 136-16 WAC.

WAC 136-300-070 Allowable activities within CAPP. For all CAPA-funded projects that involve structural resurfacing, the existing road must meet the following minimum width standards:

Shouldered roadway sections:

Current ADT	Lane width	Shoulder width
0 to 100	9 feet	2 feet
101 to 400	10 feet	2 feet
401 to 4000	10 feet	2 feet
Over 4000	11 feet	4 feet

Curbed roadway sections (minimum lane width):

Current ADT	Two-way undivided	One-way & two-way divided
All	10 feet	9 feet

All roadways built to less than the above standards for which a county proposes to perform structural resurfacing must be widened with other than CAPA funds.

Use of county arterial preservation account funds shall be limited to the following three groups of activities:

(1) Implementation of computerized systems to include:

(a) Acquisition of computer hardware and software that may be necessary to operate a computer-based pavement management and maintenance management systems.

(b) Pavement management system training not otherwise provided by the county road administration board. This can include software usage, pavement condition surveying, and other specialized training directly related to the operation and maintenance of a computer-based pavement management system.

(c) Payment for related services such as data entry, pavement condition surveys, and rental of specialized PMS-related equipment such as road raters.

Acquisition of equipment other than computer hardware as described in (a) of this subsection is not eligible.

(2) Direct and attributable indirect costs associated with paved surface preservation and rehabilitation activities on existing roadways, and maintenance management activities related to all county arterials, including the following:

(a) Nonstructural resurfacing projects. These include thin asphalt concrete overlays (one-inch or less); bituminous seal coats (single and double); slurry seals, sand seals, and fog seals; associated tack coats, paving fabrics, and preleveling; and associated surface grinding and planing.

(b) Structural resurfacing projects. These include thick asphalt concrete overlays (greater than one inch); portland cement concrete overlays; associated tack coats, paving fabrics, and preleveling; associated surface grinding and planing; and hot/cold bituminous road mixes.

(c) Associated activities. These include crack sealing (bituminous and portland cement pavements); full-depth, structural patching

done in preparation for structural or nonstructural overlays or seals; portland cement pavement joint reconstruction, undersealing, panel jacking and panel replacement; and other related activities as are directly attributable to nonstructural and structural resurfacing projects.

(d) Maintenance management activities. These include creating maintenance management reports and training in maintenance management per the requirements listed in chapter 136-11 WAC.

(3) Resurfacing work associated with the reconstruction and/or widening of existing paved arterials. This participation is limited as follows:

(a) The present roadway is a paved county arterial as defined by WAC 136-300-050;

(b) The county's approved pavement management system has identified the existing pavement as requiring resurfacing within two years of the expected reconstruction/widening project completion date;

(c) The reconstruction/widening project will bring the roadway to at least the lane and shoulder width standards and non-CAPA funding requirements of this section;

(d) The CAPA participation will be limited to the resurfacing portion of the project as described in this section.

AMENDATORY SECTION (Amending WSR 06-11-067, filed 5/12/06, effective 6/12/06)

WAC 136-300-090 Submittal of annual report. The county road administration board shall prepare and distribute to all counties standard reporting forms for use by the county engineer to annually summarize the pavement preservation and maintenance management activities, both CAPA and non-CAPA funded, in his or her county. For all CAPA-funded work, the report will require a specific listing of roads improved including a definition of scope of work and the amount of CAPA funds expended, as well as a listing of the county's share of CAPA funds used for maintenance management and pavement management.

At any time prior to April 1st of the year following, the county engineer shall, in conjunction with the annual construction report required by WAC 136-16-050 submit an annual summary of pavement preservation activities on the entire paved collector and arterial road system. This report shall be on the approved forms or in an equivalent format.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-16-030 Requirements of listing equipment. In accordance with RCW 36.81.130. The annual program shall also include a list of all major road equipment purchases and repairs contemplated for the year, together with the estimated costs thereof. The total estimated cost of all equipment listed shall be approximately equal to the amount budgeted for equipment purchase in the annual equipment rental and revolving fund budget. The equipment list may include an item for miscellaneous minor equipment in any amount up to ten percent of the estimated total cost. The list may also include a list of alternate or additional items of equipment totaling up to fifteen percent of the basic list cost to allow for unforeseen conditions.

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

WAC 136-50-055 Policy regarding accommodation of utilities on county road rights of way. The county legislative authority shall adopt a written policy in conformance with chapter 136-40 WAC outlining the county's administrative, procedural, and technical requirements regarding the installation, replacement, adjustment, relocation, and maintenance of all utilities in, on, or above the county road right of way.