



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: County Road Administration Board

- Preproposal Statement of Inquiry was filed as WSR _____ ; or
 Expedited Rule Making--Proposed notice was filed as WSR _____ ; or
 Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
 Supplemental Notice to WSR _____
 Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) New WAC 136-25 Standard of Good Practice-Traffic Law Enforcement Expenditures

Hearing location(s): County Road Administration Board
2404 Chandler Court SW, Ste 280
Olympia, WA 98504

Date: April 14, 2016 Time: 2:00 PM

Date of intended adoption: April 14, 2016
(Note: This is NOT the effective date)

Submit written comments to:

Name: Karen Pendleton
Address: 2404 Chandler Court SW, Ste 240
Olympia, WA 98504-0913
e-mail karen@crab.wa.gov
fax (360) 350.6094 by (date) April 8, 2016

Assistance for persons with disabilities: Contact

Karen Pendleton by April 8, 2016
TTY (800) 883.6384 or (360) 753.5989

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The CRABoard finds that adopting this new Standard of Good Practice will define traffic law enforcement expenditures, and help counties comply with the rural arterial program eligibility requirements.

Reasons supporting proposal: To support counties by providing a framework for maintaining RAP eligibility as recent State audits have highlighted this as a potential area of concern. Provide the SAO with a consistent basis for review and analysis.

Statutory authority for adoption: 36.78

Statute being implemented:

Is rule necessary because of a:

- Federal Law? Yes No
 Federal Court Decision? Yes No
 State Court Decision? Yes No
 If yes, CITATION:

DATE
January 28, 2016

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: February 02, 2016
TIME: 10:48 AM
WSR 16-04-104

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) County Road Administration Board

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Derek Pohle	Thurston County	(360) 753.5989
Implementation....Derek Pohle	Thurston County	(360) 753.5989
Enforcement..... Jay Weber	Thurston County	(360) 753.5989

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

N/A

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: N/A

Chapter 136-25 WAC
STANDARD OF GOOD PRACTICE—TRAFFIC LAW ENFORCEMENT EXPENDITURES

NEW SECTION

WAC 136-25-010 Purpose and authority. RCW 36.79.140 sets forth the conditions under which counties are eligible to receive funds from the rural arterial trust account (RATA). Chapter 136-150 WAC describes how the RATA provisions will be implemented by the county road administration board. This chapter is specific to WAC 136-150-020, 136-150-021, 136-150-022, and 136-150-030 relating to road levy, road levy diversion, and traffic law enforcement.

NEW SECTION

WAC 136-25-020 Diversion of road levy funds may only be for traffic law enforcement within unincorporated areas of the county. To preserve RATA eligibility, road levy funds diverted pursuant to RCW 36.33.220 may only be used for traffic law enforcement within the unincorporated areas of counties, except those counties with a population of less than eight thousand, RCW 36.79.140 and WAC 136.150.030.

NEW SECTION

WAC 136-25-030 Eligible traffic law enforcement activities on county roads. For purposes of maintaining RATA eligibility, should the legislative authority vote and budget to divert road levy funds, the following traffic law enforcement activities occurring in unincorporated county areas are the only activities that can be funded by county road levy funds.

- (1) Speed limit and other traffic law enforcement;
- (2) Collision investigation documenting/reporting;
- (3) Oversize vehicle (weight, length, width, and height) enforcement;
- (4) Special traffic emphasis patrols;
- (5) Facilitating the removal of abandoned vehicles from the county road and rights of way;
- (6) Facilitating the removal of roadway and right of way obstructions at the request of the county engineer;
- (7) Investigating illegal littering and dumping on county road rights of way;
- (8) Sign damage investigation and enforcement;
- (9) Road condition enforcement, including mud, water, debris, or spills;
- (10) Rights of way encroachment investigation and enforcement at the request of the county engineer;

- (11) Maintenance and construction zone traffic enforcement;
- (12) Road department vehicle special collision investigation at the request of the county engineer; and
- (13) Other activities clearly related to county road law enforcement needs, as mutually agreed upon in writing by the county road engineer and the county sheriff. Disagreements shall be elevated to the county legislative authority.

NEW SECTION

WAC 136-25-040 Compliance and documentation. The certification required by WAC 136-150-022 shall be on a form provided by the county road administration board. Each county shall maintain adequate records of annual traffic law enforcement expenditures in such format and detail to demonstrate that the funds were used only for the traffic law enforcement activities set out in WAC 136-25-030.

NEW SECTION

WAC 136-25-050 Agreements. The county road administration board shall provide model documents for counties to use to establish agreements (relationships) between the county legislative authority and the county sheriff and between the county road engineer and the county sheriff for the use of county road levy funds for traffic law enforcement. The agreements are discretionary but, if used, should list which activities set out in WAC 136-25-030 are subject to the agreement.