



# 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:**

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 use of special purpose funds as a potential area of concern. Provide the SAO with a consistent basis for review and analysis.

**Citation of existing rules affected by this order:**

Repealed:

Amended:

Suspended:

**Statutory authority for adoption:**      36.78

**Other authority :**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 16-04-104 on February 2, 2016 (date).

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

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:** April 14, 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: April 18, 2016**

**TIME: 12:49 PM**

**WSR 16-09-069**

**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:**

**N/A**

|   |     |       |         |       |          |       |
|---|-----|-------|---------|-------|----------|-------|
| <b>Federal statute:</b>                 | New | _____ | Amended | _____ | Repealed | _____ |
| <b>Federal rules or standards:</b>      | New | _____ | Amended | _____ | Repealed | _____ |
| <b>Recently enacted state statutes:</b> | New | _____ | Amended | _____ | Repealed | _____ |

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

**N/A**

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| New | _____ | Amended | _____ | Repealed | _____ |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

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

|     |          |         |       |          |       |
|-----|----------|---------|-------|----------|-------|
| New | <u>1</u> | Amended | _____ | Repealed | _____ |
|-----|----------|---------|-------|----------|-------|

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

|     |          |         |       |          |       |
|-----|----------|---------|-------|----------|-------|
| New | <u>1</u> | Amended | _____ | Repealed | _____ |
|-----|----------|---------|-------|----------|-------|

**The number of sections adopted using: N/A**

|                                       |     |       |         |       |          |       |
|---------------------------------------|-----|-------|---------|-------|----------|-------|
| <b>Negotiated rule making:</b>        | New | _____ | Amended | _____ | Repealed | _____ |
| <b>Pilot rule making:</b>             | New | _____ | Amended | _____ | Repealed | _____ |
| <b>Other alternative rule making:</b> | New | _____ | Amended | _____ | Repealed | _____ |

**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.