



# 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: October 29, 2015 Time: 2:00 PM

**Date of intended adoption:** October 29, 2015  
(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) October 23, 2015

**Assistance for persons with disabilities:** Contact

Karen Pendleton by October 23, 2015  
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:** Recent State audits have highlighted this as a potential area of concern.

**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**  
July 29, 2015

**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 06, 2015

**TIME:** 3:12 PM

**WSR 15-17-007**

**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 emphasis patrols at the request of the county engineer or in cooperation with the WTSC or WSP;
- (5) Facilitating the removal of abandoned vehicles from the county road and rights of way at the request of the county engineer;
- (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 at the request of the county engineer;
- (8) Sign damage investigation and enforcement at the request of the county engineer;
- (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, typically at the request of the county engineer;
- (12) Road department vehicle 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.

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 sheriff 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 should list which activities set out in WAC 136-25-030 are subject to the agreement.