



RULE-MAKING ORDER

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

Agency: County Road Administration Board

Emergency Rule Only

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

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

- Yes No If Yes, explain:

Purpose: Passage of ESSB 6381 increases appropriation amounts for the rural arterial program by \$22,000,000. Amendments to WAC's 136-161-070 RAP Program Cycle and 136-161-080 Limitations on Allocations of RATA funds to counties are required for immediate expenditure in this biennium.

Citation of existing rules affected by this order:

- Repealed:
- Amended: WAC's 136-161-070 and 136-161-080
- Suspended:

Statutory authority for adoption: 36.78

Other authority :

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding:

Passage of ESSB 6381 increases appropriation amounts for the rural arterial program by \$22,000,000. Amendments to WAC's 136-161-070 RAP Program Cycle and 136-161-080 Limitations on Allocations of RATA funds to counties are required for immediate expenditure in this biennium.

Date adopted: March 26, 2010

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: March 26, 2010

TIME: 3:18 PM

WSR 10-08-014

**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	<u>2</u>	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

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

New	_____	Amended	<u>2</u>	Repealed	_____
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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 01-05-009, filed 2/8/01, effective 3/11/01)

WAC 136-161-070 RAP program cycle--Selection and approval of projects for RATA funding. (1) At its last regular meeting before the beginning of each biennium, the county road administration board will select projects and allocate anticipated RATA funds to projects in each region. The preliminary priority arrays as developed in WAC 136-161-060 will be updated to exclude any county which is ineligible under chapter 136-150 WAC, and projects will be selected from these arrays. Selections will be made in each region in declining priority rank order, provided that:

(a) No county shall be allocated RATA funds in excess of its regional county limit as specified in WAC 136-161-080; and

(b) Any projects which were partially funded in the prior biennium shall, unless otherwise requested by the county, be fully funded before new projects are selected. Ties in total rating points will be broken by the county road administration board in favor of the county having the lesser total amount of previously allocated RATA funds.

(2) The statewide net amount of RATA funds available for allocation to projects in the funding period will be based on the most recent state fuel tax revenue forecast prepared quarterly by the department of transportation and may include changes in appropriations approved by the legislature, less estimated administrative costs, and less any amounts set aside for emergent projects as described in WAC 136-163-020. The total amount of RATA funds available for allocation to projects in a region (i.e., "forecasted regional apportionment amount") will be based on the regional apportionment percentages of the statewide net amount as determined in chapter 136-100 WAC.

(3) For the funding period beginning July 1, 1995, the project program period will be the next four state fiscal years (1996, 1997, 1998 and 1999, beginning July 1, 1995, and ending June 30, 1999). For the funding period beginning July 1, 1997, the project program period will begin July 1, 1999 and end June 30, 2001.

(4) The RATA amounts allocated to projects in the first year of the biennium are limited to no more than ninety percent of the net amount estimated to be allocable to each region for the project program period, with the remaining percentage allocated at such time as deemed appropriate by the county road administration board.

(5) Acceptance of the RATA allocation for a project by the full execution of a CRAB/county contract as described in chapter 136-170 WAC constitutes agreement to complete the project in compliance with the scope, design and project limits in the final 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.

AMENDATORY SECTION (Amending WSR 10-05-018, filed 2/4/10, effective 3/7/10)

WAC 136-161-080 Limitations on allocations of RATA funds to counties. ~~((For any project program period,)) Commencing with the 2009-2011 biennium program period, the CRABoard may allocate additional RATA funding to projects based on changes in appropriations approved by the legislature. Commencing with the 2009-2011 biennium program period the following limitations apply: No county shall receive a RATA fund allocation greater than the following maximum project RATA contribution(, or percentage of the forecasted regional apportionment amount)):~~

(1) PSR: ~~((No maximum project RATA contribution,)) 40% limit on ((percentage of the forecasted regional apportionment amount)) both the regional apportionment of estimated fuel tax revenue and the regional apportionment of appropriations approved by the legislature;~~

(2) NWR: ~~((No maximum project RATA contribution; twenty percent)) 20% limit on ((percentage of the forecasted regional apportionment amount)) both the regional apportionment of estimated fuel tax revenue and the regional apportionment of appropriations approved by the legislature;~~

(3) NER: ~~((No maximum project RATA contribution,)) Maximum RATA contribution to each county for 2R projects is seven hundred fifty thousand dollars; ((twelve and one-half percent)) 12.5% limit on ((percentage of the forecasted regional apportionment amount)) both the regional apportionment of estimated fuel tax revenue and the regional apportionment of appropriations approved by the legislature;~~

(4) SWR: ~~((No maximum project RATA contribution; fifteen percent)) 15% limit on ((percentage of the forecasted regional apportionment amount)) both the regional apportionment of estimated fuel tax revenue and the regional apportionment of appropriations approved by the legislature;~~

(5) SER: ~~((No maximum project RATA contribution,)) Percentage varies by county as follows:~~

- | | |
|------------------------|------------------|
| (a) Asotin County | ten percent |
| (b) Benton County | fourteen percent |
| (c) Columbia County | eleven percent |
| (d) Franklin County | thirteen percent |
| (e) Garfield County | ten percent |
| (f) Kittitas County | thirteen percent |
| (g) Klickitat County | fourteen percent |
| (h) Walla Walla County | fourteen percent |
| (i) Yakima County | twenty percent |

