



# RULE-MAKING ORDER

## CR-103 (June 2004) (Implements RCW 34.05.360)

**Agency:** County Road Administration Board

**Permanent Rule**  
 **Emergency Rule**

**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)

**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:** Engrossed Substitute Senate Bill 5228 adopted by the State Legislature during the 2009 Legislative session will become effective July 26, 2009.

The term "day labor" is removed from the language and replaced with "county forces" as adopted by the State Legislature and signed into law.

For the purpose of calculating the amount of road construction that a county may do using county forces, counties are separated into four groups based on population and provided with a formula to determine the maximum amount (note: these dollar amounts change in 2012 as stated in RCW 36.77.065):

- Counties with less than 30,000 people may have no more than \$700,000, plus \$700,000 multiplied by the previous year's motor vehicle fuel tax distribution factor in construction programs completed by county forces.
- Counties with between 30,000 and 150,000 people may have no more than \$1.15 million, plus \$1.15 million multiplied by the previous year's motor vehicle fuel tax distribution factor in construction programs completed by county forces.

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

Repealed:

Amended: WAC's 136-12-060, 136-12, 136-18, 136-165-020, 136-167-040, 136-170-040, 136-170-050, 136-170-060

Suspended:

**Statutory authority for adoption:** RCW 36.78

**Other authority :**

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

Adopted under notice filed as WSR 09-18-050 on August 27, 2009 (date).

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

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 ( ) \_\_\_\_\_

**EMERGENCY RULE ONLY**

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.

Reasons for this finding:

**Date adopted:** October 29, 2009

**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:** November 09, 2009

**TIME:** 1:58 PM

**WSR 09-23-044**

(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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	<u>19</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	_____	Repealed	_____
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**The number of sections adopted using:**

<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	_____

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

**WAC 136-12-060 Failure to comply.** If notification is not received within the time frame established in WAC 136-12-045, the matter of the vacancy will be considered at the next regular meeting of the county road administration board. The county road administration board may require that all (~~day-labor~~) construction by county forces projects be shut down and/or that all distribution of gas tax funds to the county cease: Provided however, That it may continue to grant reasonable extensions in the event the affected county can give adequate proof or demonstrate at the next regularly scheduled board meeting that a diligent effort has been made to secure the services of a qualified engineer.

Chapter 136-16 WAC

**STANDARDS OF GOOD PRACTICE--ANNUAL ROAD PROGRAM, CONSTRUCTION REPORT, AND ((DAY LABOR)) CONSTRUCTION BY COUNTY FORCES LIMITS**

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

**WAC 136-16-020 Contents of annual program.** The adopted annual program shall include, but not be limited to:

- (1) A line item for estimated preliminary engineering costs;
- (2) A line item for estimated right of way acquisition costs;

and

- (3) A listing of all proposed construction projects for the year including a brief description of the work, the name, number and functional classification of the road, an estimate of the total cost of each project, including construction engineering but excluding preliminary engineering and right of way acquisition, and a notation as to whether construction work on each project is to be done by contract or ((day labor)) construction by county forces or both.

When a project involves both contract and ((day labor)) construction by county forces work the estimate shall be divided to show the estimated cost of each type of work. The sum of all construction costs shall be approximately equal to the amount included in the road fund construction budget for construction work. All construction projects shall be shown, regardless of funding source, including all projects previously authorized and under way on which expenditures are anticipated during the program year. Projects previously authorized on which construction work is contemplated within the program year shall also be listed showing the estimated costs of work during the program year. In all cases, the total amount of proposed ((day labor)) construction by county forces costs(, including construction administration and engineering,) shall not exceed the ((day labor)) construction by county forces limit as computed in WAC 136-16-022.

**WAC 136-16-022 ((Day labor)) Construction by county forces limit.** The statutory ((day labor)) construction by county forces limit shall be computed in accordance with RCW 36.77.065 ((in the following manner for counties with populations equal to or exceeding 50,000:

(1) When the total annual county road construction budget is four million dollars or more, the day labor limit is eight hundred thousand dollars or fifteen percent of the total annual county road construction budget, whichever is greater.

(2) When the total annual county road construction budget is one million five hundred thousand dollars or more and less than four million dollars, the day labor limit is five hundred twenty-five thousand dollars or twenty percent of the total annual county road construction budget, whichever is greater.

(3) When the total annual county road construction budget is five hundred thousand dollars or more and less than one million five hundred thousand dollars, the day labor limit is two hundred and fifty thousand dollars or thirty-five percent of the total annual county road construction budget, whichever is greater.

(4) When the total annual county road construction budget is less than five hundred thousand dollars, the day labor limit shall be two hundred and fifty thousand dollars, unless the county legislative authority, by resolution, elects the alternate procedure set forth in RCW 36.77.065. When such alternate procedure is chosen, an individual project limit of thirty five thousand dollars shall apply, and each project shall be administered in accordance with chapter 136-18 WAC.

(5) The statutory day labor limit shall be computed in accordance with RCW 36.77.065 in the following manner for counties with populations less than 50,000:

(a) When the total annual county road construction budget is four million dollars or more, the day labor limit is eight hundred eighty thousand dollars or twenty-five percent of the total annual county road construction budget, whichever is greater.

(b) When the total annual county road construction budget is one million five hundred thousand dollars or more and less than four million dollars, the day labor limit is five hundred seventy-seven thousand dollars or thirty percent of the total annual county road construction budget, whichever is greater.

(c) When the total annual county road construction budget is five hundred thousand dollars or more and less than one million five hundred thousand dollars, the day labor limit is two hundred seventy-five thousand dollars or forty-five percent of the total annual county road construction budget, whichever is greater.

(d) When the total annual county road construction budget is less than five hundred thousand dollars, the day labor limit shall be two hundred seventy-five thousand dollars, unless the county legislative authority, by resolution, elects the alternate procedure set forth in RCW 36.77.065. When such alternate

~~procedure is chose, an individual project limit of thirty-eight thousand five hundred dollars shall apply, and each project shall be administered in accordance with chapter 136-18 WAC)).~~ The county population used in the computation shall be the official office of financial management estimate as of April 1st of the previous calendar year.

Determination by the county road administration board that a violation of RCW 36.77.065 has occurred shall be cause for issuance of a conditional certificate of good practice by the board as specified in WAC 136-04-060 on behalf of the county in which the violation occurred. The first condition of such a conditional certificate of good practice shall be that the county be required, at the next regular or special meeting of the county road administration board, to show cause why a certificate of good practice should not be denied to that county.

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

**WAC 136-16-050 Annual construction report.** At any time prior to April 1st of the year following the annual program year, the county engineer shall submit an annual construction report to the county road administration board in accordance with forms and instructions provided by the county road administration board. The construction report shall show actual expenditures for all construction work including construction administration and engineering done during the previous budget year. Upon receipt of each county's annual construction report, the ~~((day labor))~~ construction by county forces limit as described in ~~((WAC 136-16-022))~~ RCW 36.77.065 will again be ~~((calculated based upon))~~ compared with the actual accomplishments as set forth in the annual construction report. A county which exceeds the ~~((day labor))~~ construction by county forces limit ~~((as computed))~~ as part of the annual program or ~~((as computed))~~ as part of the annual construction report shall be in violation of this standard of good practice.

Chapter 136-18 WAC

STANDARDS OF GOOD PRACTICE--((DAY LABOR)) CONSTRUCTION BY COUNTY FORCES

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

**WAC 136-18-010 Purpose and authority.** Chapter 36.77 RCW provides for the construction and improvement of county roads by contract, by ~~((day labor))~~ construction by county forces or by a combination of ~~((day labor))~~ construction by county forces and contract. The purpose of this standard of good practice is to assure that all ~~((day labor))~~ construction by county forces construction work is accomplished within statutory limitations.

AMENDATORY SECTION (Amending WSR 01-24-074, filed 12/3/01, effective 1/3/02)

**WAC 136-18-020 Definitions.** For purposes of implementing statutory requirements relative to ~~((day labor))~~ construction ~~((work))~~ by county forces, the following definitions shall apply:

(1) Construction - the building of a new road facility or improvement of an existing facility to a higher geometric or structural standard.

(2) ~~((Day labor))~~ Construction by county forces - construction work performed by personnel carried on the county payroll using county owned, leased or rented equipment.

(3) Authorization date - the date that construction is authorized.

(4) Start of construction - the date that construction work commences.

(5) End of construction - the date that construction work is completed.

(6) Completion date - the date on which a county road project is closed in the accounting records.

(7) Estimated construction costs - the county engineer's estimate of the cost of contemplated construction work, not including preliminary engineering and right of way acquisition

costs.

(8) Estimated project costs - the county engineer's estimate of the cost of engineering, right of way acquisition, and construction.

(9) True and complete construction costs - the accounting record of all construction costs attributed to a county road project from the authorization date to the completion date.

(10) True and complete project costs - the accounting record of all engineering, right of way acquisition, and construction costs attributed to a county road project from the authorization date to the completion date.

(11) (~~Day labor~~) Construction by county forces road project - (~~day labor~~) construction by county forces authorized by action of the county legislative authority in those counties where a cumulative dollar limit applies to all (~~day labor~~) construction by county forces.

~~((12) Special day labor county road project - day labor construction which will result in a facility with independent utility, authorized by action of the county legislative authority in those counties:~~

~~(a) With populations equal to or exceeding 50,000 and where the total construction budget is less than five hundred thousand dollars and the legislative authority has by resolution elected to perform day labor construction in an amount not to exceed thirty-five thousand dollars including labor, equipment and materials on any one project.~~

~~(b) With populations less than 50,000 and where the total construction budget is less than five hundred thousand dollars and the legislative authority has by resolution elected to perform day labor construction in an amount not to exceed thirty-eight thousand five hundred dollars including labor, equipment and materials on any one project.)~~

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

**WAC 136-18-030 Authorization of (~~day labor~~) construction by county forces projects.** Every proposed (~~day labor~~) construction by county forces road project (~~and special day labor county road project~~) shall be a part of the county's annual construction program as defined in RCW 36.81.130 and WAC 136-16-020. Additions to the program, and/or substitutions in the program, may be made by unanimous action of the county legislative authority at any time as provided in RCW 36.81.130. No construction work shall be done on any project until it has been authorized by resolution of said authority. The resolution shall include:

- (1) A brief description of the project;
- (2) A vicinity map showing the location of the project and its

limits, provided that in lieu of individual vicinity maps, a single vicinity map showing the location of all projects may be included with the resolution adopting the annual program;

(3) Identification of the project in terms of the officially adopted annual program;

(4) The county engineer's estimate of construction costs prepared pursuant to the completion of such preliminary engineering; and

(5) Construction plans as shall be necessary and sufficient.

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

**WAC 136-18-035 ~~Special ((day labor))~~ construction by county forces limit for electrical and traffic control projects.** Projects that consist of electrical and traffic control work are subject to the specific ~~((day labor))~~ construction by county forces limits as set forth in RCW 36.77.065.

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

**WAC 136-18-060 ~~((Day labor))~~ Construction by county forces project records.** All ~~((day labor and special day labor))~~ construction by county forces project cost records shall be kept in the manner prescribed by the BARS manual. Records of quantities shall be kept in a manner consistent with original project estimates. The project records shall contain, but shall not be limited to, the following:

- (1) Dated authorizing resolution;
- (2) Vicinity map showing project location and limits;
- (3) County engineer's estimate;
- (4) Affidavit of preconstruction publication required by RCW 36.77.070;
- (5) Documentation of start and end of construction dates;
- (6) Affidavit of post-construction publication showing true and complete project cost as required by RCW 36.77.070.

AMENDATORY SECTION (Amending Order 59, filed 5/17/85)

**WAC 136-18-064 Preconstruction publication requirements.** The preconstruction publication required by RCW 36.77.070 may be made at any time subsequent to the adoption of the annual road construction program by the county legislative authority, but no later than the commencement of ~~((day-labor))~~ construction by county forces on the project or projects. The publication shall include a brief description of each project and the county engineer's estimate of each project cost showing right of way acquisition, preliminary engineering, contract work (if any) and work by ~~((day-labor))~~ construction by county forces.

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

**WAC 136-18-070 Special ~~((day-labor))~~ reporting construction by county forces project ~~((reporting))~~ to the county road administration board.** Each county engineer shall submit to the county road administration board a copy of each resolution authorizing a special ~~((day-labor))~~ reporting construction by county forces road project whose estimated construction cost exceeds seventy-five percent of the ~~((day-labor))~~ construction by county forces limit. Upon completion of each of these projects, or no later than March 1st of the succeeding year, the county engineer shall furnish to the county road administration board a copy of the record of true and complete construction costs. On any project where true and complete construction costs have exceeded the statutory ~~((day-labor))~~ construction by county forces limit, the county engineer shall also provide to the county road administration board an explanation of the circumstances resulting in such over-expenditure.

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

**WAC 136-18-080 Review of ~~((day-labor))~~ construction by county forces compliance by the county road administration board.** The executive director of the county road administration board shall have authority to investigate cases of apparent violations of ~~((day-labor))~~ construction by county forces limits and ~~((, for special day-labor projects,))~~ prepare a listing of all such projects for which actual expenditures have exceeded the statutory ~~((day-labor))~~ construction by county forces limit during the previous calendar

year for review by the county road administration board at its second regular meeting of each calendar year.

AMENDATORY SECTION (Amending WSR 02-18-019, filed 8/22/02, effective 9/22/02)

**WAC 136-18-085 Determination of ((day labor)) construction by county forces compliance by the county road administration board.**

At its second regular meeting of each calendar year, the county road administration board shall determine if any county has unreasonably exceeded its statutory ((day labor)) construction by county forces limit for the preceding calendar year, as indicated in RCW 36.77.065. In determining what is unreasonable, the county road administration board shall consider the following:

(1) Did the county provide prior notification of the possible ((day labor)) construction by county forces limit violation in writing to the county road administration board?

(2) What is the amount of the excess ((day labor)) construction by county forces expenditure compared to the total annual county road construction expenditure for the same time period?

(3) Are there extenuating circumstances beyond the control of the county that resulted in exceeding the statutory ((day labor)) construction by county forces limit?

(4) What is the past record of the county regarding ((day labor)) construction by county forces compliance?

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

**WAC 136-18-090 Action on ((day labor)) construction by county forces compliance by the county road administration board.**

Determination by the county road administration board that a violation of RCW 36.77.065 has occurred shall be cause for issuance of a conditional certificate of good practice by the board as specified in WAC 136-04-060 on behalf of the county in which the violation occurred. The first condition of such a conditional certificate of good practice shall be that the county be required, at the next regular or special meeting of the county road administration board, to show cause why a certificate of good practice should not be denied to that county.

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

**WAC 136-165-020 Requirements for consideration of RATA fund increases.** (1) When a county submits its final prospectus as described in WAC 136-161-050, the county road administration board presumes that the amount of RATA funds requested, plus any non-RATA funds that may be designated for the project, are sufficient to fully, and in a timely manner, complete the project as described.

(2) In extraordinary circumstances, a county may request an increase in the amount of RATA funds allocated to a project. A county may request an increase in a project's RATA allocation only twice in the course of a project's development: At the completion of preliminary engineering, and prior to commencing construction. A project shall be considered to have commenced construction if:

(a) The construction contract for the work has been awarded; and

(b) If done by (~~day labor~~) county forces, the work has commenced, except for labor construction engineering.

All cost increases during the course of construction shall be the responsibility of the county. Requests for increases in excess of fifty percent of the original RATA allocation will not be considered or granted; the county must secure other funds, withdraw or request the termination of the project, or request a change in scope and/or project limits.

(3) A request by a county for an increase in RATA funds allocated to a project shall demonstrate that:

(a) The county at the time of preparing its final project prospectus considered the factors listed in subsection (4) of this section;

(b) The request for an increased allocation is based on extraordinary and unforeseeable circumstances of the type listed in subsection (5) of this section;

(c) It is not feasible to reduce the scope and/or project limits so the project can be substantially constructed within the initial RATA allocation;

(d) The request is not to pay for an expansion of the originally approved project;

(e) If the work is to be done by contract, the county has supplied to the CRABoard, an updated engineer's cost estimate prior to, and within three months of, advertisement of the project for construction bids; and

(f) If the work is to be done by (~~day labor~~) county forces, the county has (~~supplied~~) supplied to the CRABoard, an updated engineer's cost estimate prior to, and within three months of, commencement of the work.

(4) At the time of preparation and submittal of the final

project prospectus, a county is expected to consider all information which may affect the cost of the project. In cases where the information is incomplete or poorly defined, the county is to exercise good professional judgment and/or seek outside professional assistance and advice in order to prepare a reasonable RATA fund request. The information which a county is expected to consider includes, but is not limited to, the following:

(a) The availability at the needed time of matching funds and other supplementary funds;

(b) All technical data reasonably available such as topographic maps, reconnaissance reports, surface and subsurface geotechnical data, hydraulic and hydrological data, sources of materials, applicable design standards, and any earlier preliminary engineering;

(c) Required permits, including pre-project scoping consultations with the permitting agencies and an estimate of the costs of complying with permit requirements;

(d) Required right of way or other easements, and the time and cost of acquisition;

(e) Availability of qualified contractors to perform the work;

(f) Ownership, type, amount, and time requirements of any required utility relocation;

(g) Historical and projected labor, equipment and material costs; and

(h) The project development timetable leading to completed construction and the interrelation of this project to all other work activities under the control of the county engineer.

(5) The county road administration board will increase RATA funds allocated to a project only if it finds that the request for an increased allocation is based on extraordinary and unforeseeable circumstances, including but not limited to the following:

(a) The county relied on existing technical data which were later found to be in error, and which will necessitate a significant design change prior to proceeding with construction;

(b) Project permit requirements were substantially changed, or new permits were required;

(c) Supplementary funds, such as impact fees, developer contributions, grants, etc., which were forecasted to be available for the project, were withdrawn or otherwise became unavailable;

(d) Design or other standards applicable to the project were changed; and/or

(e) The start of construction will be significantly delayed or additional construction requirements will be added as a direct result of legal action; provided however, that the failure of a county to exercise its statutory powers, such as condemnation, will not be grounds for increasing RATA funds.

AMENDATORY SECTION (Amending WSR 01-09-077, filed 4/17/01, effective 5/18/01)

**WAC 136-167-040 Lapsing of RATA allocation for approved projects.** To encourage timely development and construction of approved projects, all projects for which RATA funds have been allocated must meet certain project development milestones. Failure to meet the milestones will result in action by the county road administration board to withdraw RATA funds from the project. This provision will only apply to those projects for which RATA funds have been allocated after July 1, 1995.

(1) For the purposes of this section, a project will be subject to lapsing and withdrawal of its RATA allocation if:

(a) The project has not begun the preliminary engineering phase within four years of project approval by the county road administration board; or

(b) The project has not begun construction within six years of the date of project approval by the county road administration board.

(2) A project shall be considered in preliminary engineering if authorization to expend funds for preliminary engineering has been granted by the county legislative authority as provided for in RCW 36.75.050. A project shall be considered in construction if:

(a) The construction contract for the work has been advertised for bids as provided for in RCW 36.77.020;

(b) A contract has been awarded under the provisions of the small works roster contract award process; or

(c) If done by (~~day-labor~~) county forces, the work has commenced.

(3) If an approved project does not meet a required project development milestone, the county road administration board will, at its next regular meeting, withdraw RATA funds from the project.

(4) At any time up to ten days before such meeting, the county may, in writing, request an extension of the lapse date. The county road administration board executive director may grant such an extension if the director finds that the delay in project development was for reasons that were both unanticipated and beyond the control of the county, and subject to the following:

(a) A project extension will be granted one time only and will be no more than two years in length; and

(b) The request for an extension is based on unforeseeable circumstances that the county could not have anticipated at the time the project was submitted for RATA funding; and

(c) An approved time extension will not be grounds for the county to request an increase in the RATA funding of the project; and

(d) The executive director will determine a new lapse date,

and all of the requirements listed above under subsections (1) and (2) of this section will apply except that further extensions will not be granted.

(5) The CRABoard may at any time place a moratorium on lapsing of projects that are delayed due to CRAB initiated rescheduling and establish a new lapsing date to fit the CRABoard's programming needs. For those projects given a lapsing moratorium, section four shall be held in abeyance until the new lapsing date.

AMENDATORY SECTION (Amending WSR 08-16-044, filed 7/29/08, effective 8/29/08)

**WAC 136-170-040 Combining of CRAB/county contracts.** In those cases when a county desires to combine two or more adjacent RATA funded projects into a single construction contract, the county, prior to advertising for the construction contract, or prior to commencing construction should any of the projects be scheduled for completion by (~~day labor~~) county forces, must make a formal written request to the county road administration board to combine the projects into a single project, assuring that the original prospectus work will be accomplished as originally proposed or as previously revised by the county road administration board, regardless of the applicable maximum project RATA contribution.

Upon receipt of a letter of request to combine, and consideration and approval by the director of the county road administration board, a revised CRAB/county contract will be prepared and sent to the county for its execution and returned in the same manner as for the original contract(s). Projects shall be considered adjacent if they have a common terminus.

AMENDATORY SECTION (Amending WSR 08-16-044, filed 7/29/08, effective 8/29/08)

**WAC 136-170-050 Combining of RATA funded project with non-RATA funded project.** In those cases when a county desires to combine a RATA funded project with one or more non-RATA funded projects, the county, prior to advertising for the construction contract, or prior to commencing construction should any of the projects be scheduled for completion by (~~day labor~~) county forces, shall notify the county road administration board in writing of its plans to combine the projects into a single construction project, assuring in writing that the work items assigned to the RATA funded section will remain distinct and separate through the bid documents and contract plans.

Upon verification that the request is submitted in a timely manner, that the combined project will meet the conditions of the CRAB/county contract and prospectus requirements, and that RATA funded items of work will be sufficiently separated from other work, the CRAB director will respond in writing, to grant the combination.

**WAC 136-170-060 Splitting or phasing of CRAB/county contracts.** (1) A county may split a single rural arterial trust account funded project into multiple adjacent phased construction projects only upon written request and approval by the county road administration board.

(2) The county must submit the request prior to advertising for the construction contract, or prior to commencing construction should any of the projects be scheduled for completion by day labor.

(3) Upon receipt of the county's written request to split a RAP project, the CRAB director will consider and may approve the split.

(4) Upon such approval, a revised CRAB/county contract will be prepared, and sent to the county for its execution and returned in the same manner as for the original contract. The final contract must be fully executed prior to advertisement for contract construction, or if done by (~~day labor~~) county forces, prior to commencing construction.

(5) Funding for split projects will be assigned based upon the breakdown of costs specified in the county's request letter.

(6) Failure of a county to execute an amended CRAB/county contract within forty-five days of receipt shall nullify any split requests and any other county road administration board actions associated with the split request.

(7) Construction on at least one of the split projects must commence by the lapsing date of the original project and all remaining portions must proceed to construction within two years of commencement of the first project. In the event the county fails to meet either of these timelines, repayment of expended RATA funds for all portions or phases of the projects will be required unless waived by the county road administration board in keeping with provisions of WAC 136-167-030.

(8) Split projects will be considered ineligible for any increases in RATA funding or revisions in scope.