



PROPOSED RULE MAKING

CR-102 (June 2004)

(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 09-12-035 _____ ; or
 Expedited Rule Making--Proposed notice was filed as WSR _____ ; or
 Proposal is exempt under RCW 34.05.310(4).

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

Title of rule and other identifying information: (Describe Subject) WAC Chapter 136-28

Hearing location(s): County Road Administration Board
2404 Chandler Court SW, STE 240
Olympia, WA 98504-0913

Date: October 29, 2009 Time: 2:00 PM

Date of intended adoption: October 29, 2009
(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)586.0386 by (date) October 23, 2009

Assistance for persons with disabilities: Contact

Karen Pendleton by October 23, 2009
TTY (800) 833.6384 or (360) 753.5989

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Amending and adding new sections to current WAC 136-28 Standards of Good Practice – cooperative procedures for processing of County Road Accident Reports.

Reasons supporting proposal:

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
August 17, 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: August 27, 2009
TIME: 9:13 AM

WSR 09-18-049

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..... Bob Moorhead	2404 Chandler Court SW, Ste 240, Olympia, WA 98504-0913	(360) 753.5989
Implementation.... Karen Pendleton	2404 Chandler Court SW, Ste 240, Olympia, WA 98504-0913	(360) 753.5989
Enforcement..... Jay Weber	2404 Chandler Court SW, Ste 240, Olympia, WA 98504-0913	(360) 753.5989

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic 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 136-28 WAC

STANDARDS OF GOOD PRACTICE--COOPERATIVE PROCEDURES FOR PROCESSING OF COUNTY ROAD ACCIDENT REPORTS

AMENDATORY SECTION (Amending WSR 05-11-037, filed 5/11/05, effective 6/11/05)

WAC 136-28-010 Purpose and authority. RCW 36.78.070(1) authorizes the county road administration board to establish standards of good practice for the administration of county roads and the efficient movement of people and goods over county roads. In order to maintain accurate information on the types and locations of collisions on county roads and implement the requirement of the National Highway Safety Act of 1966 that requires all states, in cooperation with their various local governments, to collect, compile and make reports to the National Highway Traffic Safety Administration in each state, the county road administration board has acted to coordinate the activities of the county engineers and the Washington state department of transportation. Each county engineer is to cooperate in this effort by following the procedure outlined below.

AMENDATORY SECTION (Amending WSR 05-11-037, filed 5/11/05, effective 6/11/05)

WAC 136-28-020 County Location Coding Form (CLCF) reporting procedure. The Washington state department of transportation (WSDOT) collects collision reports from all law enforcement agencies and receives collision reports from individual drivers. Periodically, the WSDOT (~~((will send or deliver to the county engineer's office in each county reports with attached county location coding forms (CLCF), concerning collisions occurring on county roads in that county))~~) makes CLCF reports available electronically.

The engineer will analyze ~~((the))~~ each report and complete the CLCF. For those collisions that the county engineer verifies did occur in his/her jurisdiction, ~~((only))~~ the completed CLCF will be returned electronically to the WSDOT. However, if the engineer

determines that the collision did not occur on a roadway in the county's jurisdiction, he/she shall (~~complete the bottom portion of~~) enter that notation on the CLCF and return it (~~and the collision report to~~) electronically to the WSDOT.

AMENDATORY SECTION (Amending WSR 05-11-037, filed 5/11/05, effective 6/11/05)

WAC 136-28-030 Coding detail. (1) The county number shall be that particular number assigned to each county by the state office of financial management for county identification purposes.

(2) The county road log number shall be that particular five-digit number, including both leading and trailing zeros if applicable, assigned to each county road according to the county's latest county road log. No local names or numbers or other nomenclature shall be used in coding the road log number.

(3) The milepost shall be determined as accurately as practicable from a comparison of information on the collision report with the latest county road log.

(4) Collisions at an intersection with a state highway will be coded by the state department of transportation.

(5) To ensure uniformity, collisions at the intersection of any two county roads shall be coded to a road in the following priority order:

- (a) The road with the higher functional class;
- (b) The road that is the through route;
- (c) The road with the lower road number.

(6) Collisions on roads and/or at intersections with dual city-county or county-county responsibilities shall be coded in general accordance with the procedures outlined herein based on a mutual understanding between the several jurisdictions involved.

NEW SECTION

WAC 136-28-040 Action on accident reporting compliance by the county road administration board. By December 31, 2010, at least ninety percent of the CLCFs made available to the county engineer prior to January 1, 2010, shall be completed and transmitted to WSDOT.

Beginning January 1, 2010, the county engineer shall complete and return to WSDOT at least ninety percent of all CLCFs for the current calendar year by December 31st of that year. The county road administration board will advise each county engineer of the status of the CLCF actions as of September 30th and December 31st

of each year. Failure to comply may 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.

NEW SECTION

WAC 136-28-050 Determination of accident reporting 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 is unreasonably delinquent in its statutory accident reporting for the preceding calendar year. In determining what is unreasonable, the county road administration board shall consider the following:

(1) Did the county provide prior notification of the possible accident reporting problems in writing to the county road administration board?

(2) How much greater than ten percent is the percentage of the delinquent accident reporting compared to the total county accident reporting for the same period?

(3) Are there extenuating circumstances beyond the control of the county that resulted in the delinquent accident reporting?

(4) What is the past record of the county regarding accident-reporting compliance?