



# AGENDA

County Road Administration Board  
October 29-30, 2015  
CRAB Office - Olympia, Washington

Thursday  
1:00 PM

1 Call to Order

2 Chair's Report - Commissioner Snyder

- A. Introductions
- B. Introduce new CRAB Counsel Ann Salay
- C. Approve October 29-30, 2015 Agenda
- D. Approve Minutes of July 16-17, 2015 CRABoard Meeting

Info	
Info	
Action	Enclosure
Action	Enclosure

3 Rural Arterial Program - Randy Hart, PE

- A. Program Status Report
- B. Project Request Actions Taken by CRAB Staff
- C. Resolution 2015-012 - Apportion July 2015 RATA Funds to Regions
- D. Resolution 2015-013 - Apportion RATA Funds to Regions
- E. Consider Call for Projects

Info	Enclosure
Info	Enclosure
Action	Enclosure
Action	Enclosure
Info	Enclosure

2:00 PM

4 Public Hearing

- A. WAC 136-25 Standard of Good Practice-Traffic Law Enforcement Expenditures
- B. WAC 136-150-022 Ascertaining the expenditures for traffic law enforcement
- C. WAC 136-150-024 Ascertaining the expenditures for marine navigation and moorage purposes
- D. WAC 136-150-030 Identifying eligible counties

Action	Enclosure
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Action	Enclosure
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Action	Enclosure
Action	Enclosure

5 Director's Report - Jay Weber

- A. Director's Activities
- B. 2016 Meeting Schedule
- C. Approve Annual Certification Form
- D. 2015-17 Current Budget Status
- E. Decision Package Submittal

Info	
Action	Enclosure
Action	Enclosure
Info	Enclosure
Info	Enclosure

RECESS

5:30 PM Dinner at Anthony's Homeport

Friday  
8:30 AM

6 Call to Order

7 WSACE Managing Director Report - Gary Rowe

Info	
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8 Mason County Audit Update

Info	
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9 Deputy Director's Report - Walt Olsen, PE

- A. County Engineers/PWD Status
- B. County Visits
- C. State Auditor's Reports
- D. Deputy Director's Activities

Info	Enclosure

10 Staff Updates

- A. Information Technology - Steve Hillesland
- B. Compliance and Data Analysis - Derek Pohle, PE
- C. Intergovernmental Policy - Jeff Monsen, PE

Info	Enclosure
Info	Enclosure
Info	Enclosure

ADJOURN

Chairman's Signature: \_\_\_\_\_

Attest: \_\_\_\_\_



# 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)  
WAC 136-150-022 Ascertaining the expenditures for traffic law enforcement  
WAC 136-150-024 Ascertaining the expenditures for marine navigation and moorage purposes  
WAC 136-150-030 Identifying eligible counties

**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**

WAC 136-150-022 Ascertaining the expenditures for traffic law enforcement – proposed changes to this section requires each county sheriff to maintain records of actual annual traffic law enforcement expenditures in such format and detail as to demonstrate that the funds were used for traffic law enforcement. Also references new WAC 136-25 for defining traffic law enforcement activities.

WAC 136-150-024 Ascertaining the expenditures for marine navigation and moorage purposes – adoption of this new section outlines ascertaining expenditures for marine navigation and moorage purposes, which were added as road purposes by EHB1868.

WAC 136-150-030 Identifying eligible counties – proposed changes to this section defines uses of any expenditures of the road levy for marine navigation and moorage, per RCW 36.82.070, and highlights the requirement for a specific and identifiable account within the road fund for said purposes.

**Reasons supporting proposal:** Rule updates concomitant with adoption of new WAC 136-25 and passage of EHB1868.

**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:** 3:11 PM

**WSR 15-17-006**

**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

AMENDATORY SECTION (Amending WSR 03-21-136, filed 10/21/03, effective 11/21/03)

**WAC 136-150-022 Ascertaining the expenditures for traffic law enforcement.** In those counties in which diverted road levy or transfer of road funds has been budgeted for traffic law enforcement, the county sheriff shall submit a certification showing the actual expenditure for traffic law enforcement in the previous budget year, on a form provided by the county road administration board, provided that counties with a population of less than eight thousand shall be exempt from this requirement. Such certification shall be submitted to the county road administration board no later than April 1st of each year. Each county sheriff shall maintain records of actual annual traffic law enforcement expenditures in such format and detail as to demonstrate that the funds were used for traffic law enforcement.

Definition of traffic law enforcement. For purposes of this chapter, traffic law enforcement is defined as engaging in the activities listed in WAC 136-25-030 in unincorporated county locations.

NEW SECTION

**WAC 136-150-025 Ascertaining the expenditures for marine navigation and moorage purposes.** In those counties in which road funds have been used for marine navigation and moorage purposes as specified in RCW 36.82.070, the county engineer shall submit a certification showing the amount of county road fund used for those activities related to marine navigation and moorage purposes performed contiguous with, adjacent to, or offshore concomitant to the county road right of way. Such certification shall be submitted to the county road administration board no later than April 1st of each year.

AMENDATORY SECTION (Amending WSR 03-05-010, filed 2/7/03, effective 3/10/03)

**WAC 136-150-030 Identifying eligible counties.** All counties with a population of less than eight thousand shall be eligible to receive RATA funds. Counties with a population greater than eight thousand shall be eligible to receive RATA funds only if, during the immediately preceding calendar year:

(1) The actual expenditures for traffic law enforcement have been equal to or greater than either the amount of the diverted road levy budgeted for traffic law enforcement or the amount of road funds transferred to current expense to fund traffic law enforcement;

(2) The amount of county road funds used beyond the county right of way for activities clearly associated with removal of fish passage barriers that are the responsibility of the county did not exceed twenty-five percent of the total cost of activities related to fish barrier removal on any one project and the total cost of activities related to fish barrier removal beyond the county right of way did not

exceed one-half of one percent of the county's total annual road construction budget;

(3) Any expenditures of the road levy for marine navigation and moorage by those counties eligible per RCW 36.82.070 were made from amounts deposited into a special account within the road fund for those purposes and, performed contiguous with, adjacent to, or off-shore concomitant to the county road right of way.

(4) All road funds that have been transferred to other funds have been used for legitimate road purposes;

~~((4))~~ (5) Revenues collected for road purposes have been expended on other governmental services only after authorization from the voters of that county under RCW 84.55.050; and

~~((5))~~ (6) County road levy funds have been expended in accordance with chapter 36.82 RCW.



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

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 Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_ ; or  
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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  
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**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
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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:

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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.

# COMPLIANCE & DATA ANALYSIS MANAGER'S REPORT

*Prepared by Derek Pohle, PE*

CRABoard Meeting – October 29 -30, 2015

Reporting Period: August 2015 thru October 2015

Agenda Item **9B**

## COMPLIANCE

### STANDARDS OF GOOD PRACTICE

#### Vacancy in Position of County Engineer:

**Benton County:** Dan Ford has resigned and Matt Rasmussen has been named the new county engineer effective September 1<sup>st</sup>, 2015. CRAB staff was notified of the resignation and appointment in conformance with the standards of good practice.

**Wahkiakum County:** Pete Ringen has retired effective unknown, and Paul D. Lacey has been named the acting county engineer effective unknown, 2015. Crab staff was notified October 13th, not in accordance with the standard of good practice. Staff is working with the county to resolve these issues.

**Asotin County:** Jim Bridges resigned effective June 5<sup>th</sup> 2015. CRAB staff was notified on June 4<sup>th</sup> of the resignation in conformance with the standards of good practice. In the interim, while the county searched for a replacement, Garfield county engineer, Grant Morgan was contracted to provide the statutory services required. CRAB staff was notified ??? on ??? that the county has hired ??? as county engineer effective ??? in accordance with the standards of good practice.

#### County Audits – For Fiscal Year 2014

**Klickitat County:** the county had one finding that was road fund related. The county did not comply with allowable cost requirements on a federally funded road project and requested \$16,637.00 reimbursement for a contractor that did not work on the project.

Once the county was aware of the mistake, they promptly notified the granting agency and repaid the funds.

**Pacific County:** from a prior audit for 2011-2012, the county has one finding, partially corrected, that was road fund related. Pacific County allocated shared services costs in excess of \$8.3 million without adequate documentation that the costs were fair and equitable. This finding also contained a component of \$493,466.00 of traffic law enforcement costs without adequate documentation to prove proper use of restricted funds.

**Skamania County:** CRAB staff has been monitoring a continuing Finding which effects the Road Fund. For at least three consecutive audits, the SAO has issued a Finding that the county's financial condition continues to decline and is at risk of not being able to meet its current obligations and maintain services. CRAB staff continues to support county Public Works staff on a consultative basis.

#### **Proposed New Standard of Good Practice – Traffic Law Enforcement**

Public hearing regarding a new standard of good practice WAC 136-25 and amendments to WAC 136-150 Eligibility for RATA Funds.

#### **Proposed New WAC Language – Marine Navigation and Moorage**

Public hearing regarding WAC rule language, WAC 136-150-024 and WAC 136-150-030 and a certification form.

#### **OTHER ACTIVITIES OF THE C&DA MANAGER**

- Determined the County Forces Construction Limits for 2016 and distributed to counties.
- Participated in meetings and workshops for the Systemic Safety project.
- Internet security training refresher.
- CLCF required status notice to counties, September 30<sup>th</sup>.
- Continued work with TS staff on Forms webitizing project.
- County Engineer's training in Whatcom County, October 8<sup>th</sup>.