

APPENDIX 'A'

A summary of the primary applicable state laws as of July 2004 with comments on purpose. This summary is not intended to include all related laws, and the reader should be aware that there are other laws that directly and indirectly affect a County Engineer and County Road operations and responsibilities.

RCW 36.33A.040

- rates (for all ER&R assets) shall be determined by the county engineer subject to annual review by the legislative body.

Comment: *Without exception, the bulk of equipment owned by a county is used for county road maintenance and construction. Care should be taken to assure that there is a sound understanding of the needs for such equipment, and of the restrictions on the use of the County Road funds such that no subsidies of other funds occur, thereby jeopardizing the Counties fuel tax revenues.*

RCW 36.40.020

- (for the annual budget,) prepare such estimates of cost for the county commissioners ... for all new road and bridge construction ... similar statement showing the road and bridge maintenance program ... to be financed from the county road fund and bond issues.

Comment: *Due to the broad implications and intricate mix of considerations in how county roads operate in their various divisions and responsibilities, it is important to have a single overview of the budgeting process so that an impact from one area to another is not created without appropriate consideration for how that may affect the overall health and functionality of the roads.*

RCW 36.54.015

- advise and assist the board to prepare a fourteen year long range capital improvement plan embracing all major elements of the ferry system.

Comment: *By legal definition, ferries are an extension of roads, both under state and federal laws, and should be treated as such. Similar considerations as to the budgeting concerns occur for capital expenditures for ferries*

RCW 36.75.050

- The powers and duties vested in or imposed upon the boards (of county commissioners) with respect to establishing, examining, surveying, constructing, altering, repairing, improving, and maintaining county roads, shall be exercised under the supervision and direction of the county road engineer.

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Comment: *It is not an uncommon misperception that road maintenance and road construction have little in common. The fact is that there are many overlaps where a maintenance practice may either affect an engineering practice or need or vice versa. In order to assure both compliance with the various laws on expenditures and design, again to protect the road fund as well as the users, all of these functions should be tied closely together.*

RCW 36.77.010

- prepare such maps, plans, and specifications as shall be necessary and sufficient (for) any county road (to be) laid out and established and altered, widened, or otherwise constructed or improved

Comment: *These responsibilities are appropriate to the responsibilities of the County Road Engineer, in that they are engineering functions requiring special training and experience, and are covered under professional licensing laws.*

RCW 36.78.020

- apply CRAB “Standards of good practice”

Comment: *The County Engineer must assure certain practices in compliance with the County Road Administration rules. All of these rules are designed to allow the county to carry out its responsibilities with as much flexibility as possible while assuring that not only are legal requirements met and road users protected to the extent possible both financially and physically, but that fuel tax revenues may continue to flow to the county. Charter counties are not exempt from compliance with these rules.*

RCW 36.80.030

- examine and certify to the board all estimates and all bills for labor, materials, provisions, and supplies with respect to county roads
- prepare standards of construction of roads and bridges
- have supervision, under the direction of the board (for all county roads), of
 - establishing
 - laying out
 - constructing
 - altering
 - improving
 - repairing
 - maintaining.

Comment: *As the County Road fund is typically (and by far) the largest fund in the County, there are significant financial issues with operation, maintenance and*

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construction of county roads. Further, there are major issues in contracting and capital expenditures that do not typically occur in other county departments. Oversight by the Engineer provides the special knowledge and experience necessary to handle these issues efficiently and properly.

RCW 36.80.040

- record and file in his or her office
- all matters concerning the public roads, highways, bridges, ditches, or other surveys of the county
 - with the original papers, documents, petitions, surveys, repairs, and other papers
 - to have the complete history of any such road, highway, bridge, ditch, or other survey
- and shall number each construction or improvement project.

Comment: *The County Engineer is one of the Offices of Record in a county, specifically where one would go to find professional engineering and surveying related documents. Further, the majority of these documents are directly related to county roads, rights-of-way and related property ownerships. The oversight important to assuring that these records are complete and accurate should be handled by professionals trained in these areas.*

RCW 36.80.050

- keep a highway plat book in his office ... accurately platted all public roads and highways established by the board

Comment: *Closely tied to 36.80.040.*

RCW 36.80.060

- maintain in his office complete and accurate records of all expenditures for
 - administration
 - bond and warrant retirement
 - maintenance
 - construction
 - purchase and operation of road equipment
 - purchase or manufacture of materials and supplies
- maintain a true and complete inventory of all road equipment.

Comment: *Closely tied to 36.80.030.*

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RCW 36.80.070

- all road construction work, except minor construction work, contract or day labor, shall be in accordance with plans and specifications prepared therefor by or under direct supervision of the county road engineer.

Comment: *Closely tied to 36.77.010.*

RCW 36.82.160

- Each county legislative authority, **with the assistance of the county road engineer**
- prepare detailed and itemized estimates of all expenditures required in the county for the ensuing fiscal year
- In the preparation and adoption of the county road budget the legislative authority shall determine and budget sums to become available for the following county road purposes:
 - (1) Administration
 - (2) bond and warrant retirement
 - (3) maintenance
 - (4) construction
 - (5) operation of equipment rental and revolving fund; and
 - (6) such other items relating to the county road budget as may be required by CRAB

Comment: *Closely tied to 36.80.030.*

RCW 36.87.040

- examine any county road or portion thereof proposed to be vacated and abandoned
 - report his opinion as to whether the county road should be vacated and abandoned
 - whether the same is in use or has been in use
 - the condition of the road
 - whether it will be advisable to preserve it for the county road system in the future
 - whether the public will be benefited by the vacation and abandonment
 - and all other facts, matters, and things which will be of importance to the board
 - and also file his cost bill.

Comment: *As the individual typically charged with caring for county roads, the County Engineer typically has at his fingertips the knowledge to make generally unbiased judgments, backed by supportable facts, to provide the legislative authority with information appropriate to making their decisions on road vacations in an unbiased and informed manner.*

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RCW 47.36.060

- Local authorities in their respective jurisdictions shall place and maintain such traffic devices upon public highways under their jurisdiction as are necessary to carry out the provisions of the law or local traffic ordinances or to regulate, warn, or guide traffic.

Comment: *These responsibilities are appropriate to the responsibilities of the County Road Engineer, in that they are engineering functions requiring special training and experience, and are covered under professional licensing laws.*