



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: February 04, 2020

TIME: 9:45 AM

WSR 20-04-076

Agency: County Road Administration Board

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)

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

- Yes No If Yes, explain:

Purpose: Creating Chapter 136-500 WAC Emergency Loan Program (ELP)

Citation of rules affected by this order:

New: WAC 136-500 Emergency Loan Program
Repealed:
Amended:
Suspended:

Statutory authority for adoption: 36.78

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 19-22-065 _____ on November 5, 2019 (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:
Address:
Phone:
Fax:
TTY:
Email:
Web site:
Other:

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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 on the agency's own initiative:

New	<u>1</u>	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: January 30, 2020	Signature: 
Name: John Koster	
Title: Executive Director	

**Chapter 136-500 WAC
EMERGENCY LOAN PROGRAM (ELP)**

NEW SECTION

WAC 136-500-010 Purpose and authority. RCW 36.78.070 provides that the county road administration board shall administer the emergency revolving loan program established by chapter 36.78 RCW. This chapter describes the manner in which the county road administration board will administer the provisions of the emergency revolving loan program.

NEW SECTION

WAC 136-500-020 Definitions. For this chapter, the following definitions shall apply:

(1) Board - County road administration board as defined in chapter 36.78 RCW.

(2) CRAB - County road administration board.

(3) DDIR - Detailed damage inspection report used by the Federal Highway Administration as an application for emergency funding under their programs.

(4) LGIP - Local government investment pool under the administration of the state treasurer.

(5) Permanent - Work that restores or improves a county road for the long-term use by the traveling public.

(6) Temporary - Work that restores a county road for the short-term use by the traveling public. Temporary work typically results in restricted use and signing of deficiencies for the safety of the traveling public.

NEW SECTION

WAC 136-500-030 Eligible work. Eligible work under this chapter is work of either a temporary or a permanent nature. Permanent work must restore the roadway to the predisaster condition and may include necessary improvements to bring the damaged roadway to current design standards. This work must be the result of a natural or man-made event that results in the closure or substantial restriction of use of the roadway by the traveling public. Work of an emergency nature is beyond the scope of work done by a county in repairing damage normally or reasonably expected from seasonal or other natural conditions.

This program may fund eligible work on any classification of road under the county's jurisdiction.

NEW SECTION

WAC 136-500-040 County eligibility. Any county who is eligible to participate in the rural arterial program, has a current certificate of good practice and a total population under 800,000 as of April 1, 2019, is eligible to participate in this program.

NEW SECTION

WAC 136-500-050 Project type and submittal. (1) There are two project types eligible for funding under this program:

- (a) Site specific - Single location.
- (b) County wide - Multiple sites within a single county.

(2) To request a loan through this program, the county shall submit the following:

- (a) A copy of the adopted emergency declaration; and
- (b) A brief description of the project site(s) requested for funding; and
- (c) An estimate of costs for work at each site(s); and
- (d) Pictures of the damaged area(s); or
- (e) A DDIR for each site may be submitted in lieu of requirements (a) through (d) of this subsection.

NEW SECTION

WAC 136-500-060 Funding limits. Project funding is limited to two million dollars or fifty percent of available fund balance, whichever value is less. If a county desires funding above these limits, the county's legislative authority may request additional funding at the next regularly scheduled board meeting.

NEW SECTION

WAC 136-500-070 Prioritization. If CRAB receives multiple loan requests resulting from a single regional event, funding shall be prioritized. Prioritization will be made by averaging the county rankings for the following criteria:

- (1) RCW 46.68.124(2) - Annual road costs. Counties ranked from lowest road cost factor to highest.
- (2) RCW 46.68.124(3) - Money needs. Counties ranked from lowest money needs factor to highest.

The lower the average county ranking, the higher priority that county is for funding during a regional event.

NEW SECTION

WAC 136-500-080 Payback terms. Any loan funded through this program shall have a term not to exceed twenty-four months. The county will be invoiced six months from the date of contract execution and quarterly thereafter until the end of the contract term.

Interest on the amount of the loan shall be the monthly rate of return for the LGIP not to exceed three percent.

If a county pays the county road administration board the principle amount of the loan within six months of the date of contract execution, no interest will be charged and the contract will be closed. Should a county not pay the loan in full within six months of the date of contract execution, interest will be calculated from the date of contract execution to the date of final payment. A county may pay off any loan received through this program before the end of the term to reduce the amount of interest owed.

NEW SECTION

WAC 136-500-090 Execution of CRAB/county contract. The executive director of CRAB is authorized to execute a contract with any eligible county under this program with a not to exceed amount of two million dollars or fifty percent of available fund balance, whichever value is less. A county may request additional funding through this program at the next regularly scheduled board meeting.

Upon execution of a contract under this chapter, the executive director will advise board members of the contract details including county, number of project(s) and the loan amount.

NEW SECTION

WAC 136-500-100 Failure to meet requirements of this chapter or terms of the contract. Should a county fail to meet the requirements of this chapter or the terms of the contract, the matter will be before the board at their next regularly scheduled meeting. The county will be requested to be present for said meeting to provide an explanation for failing to meet the requirements of this chapter or terms of the contract. At said meeting, the board may take any action it deems necessary to ensure prompt compliance of the requirements of this chapter and the terms of the contract.

NEW SECTION

WAC 136-500-110 Report to legislature. Consistent with RCW 43.01.036, the board must submit a report to the legislature by December 1st of each even-numbered year identifying each project that received money from the CRAB emergency loan account, the amount of the

loan, the expected repayment terms of the loan, the expected date of repayment, and the loan repayment status. Each project should be reported about until the loan is repaid.