

Minutes
County Road Administration Board
January 30-31, 2020
CRAB Office – Olympia, Washington

Members Present: Brian Stacy, PE, Pierce County Engineer, Chair
Rob Coffman, Lincoln County Commissioner, Vice-Chair
Lisa Janicki, Skagit County Commissioner, Second Vice-Chair
Al French, Spokane County Commissioner
Bob Koch, Franklin County Commissioner
Kathy Lambert, King County Councilmember
Grant Morgan, PE, Garfield County Engineer
Randy Ross, Grays Harbor County Commissioner
Mark Storey, PE, Whitman County Engineer

Staff Present: John Koster, Executive Director
Walt Olsen, PE, Deputy Director
Eric Hagenlock, Information Services Division Manager
Karen Pendleton, Executive Assistant
Rhonda Mayner, Secretary
Randy Hart, PE, Grant Programs Manager
Derek Pohle, PE, Engineering & Admin Support Manager
Andrew Woods, PE, Compliance & Data Analysis Manager
Mike Clark, Road Systems Inventory Manager
**Brian Bailey, Design Systems and UAS Program Manager

Guests: *Chad Johnson, DES, Budget Analyst
*Steve Johnson, Thurston County
*Bob Moorhead, former CRAB staff
**Jane Wall, WSACE Managing Director

**January 30 only*

***January 31 only*

CALL TO ORDER

Chair Stacy called the meeting to order at 1:00 pm. He asked guests to sign the attendance sheet and to silence all electronic devices.

CHAIR'S REPORT

Approve Agenda for the January 30-31, 2020 Meeting

Vice-Chair Coffman moved and Commissioner French seconded to approve the agenda as presented. **Motion passed unanimously.**

Approve Minutes of October 24-25, 2019 CRABoard Meeting

Commissioner Koch moved and Commissioner Ross seconded to approve the minutes as presented. **Motion passed unanimously.**

DIRECTOR'S REPORT

Introduction of Steve Johnson

Mr. Koster introduced Mr. Johnson, who will begin at CRAB on March 1. He will be double-filling with Mr. Hart as Grant Programs Manager, in preparation for Mr. Hart's retirement in December. He is currently employed at Thurston County Public Works.

2019 Annual Report

Mr. Koster noted that the reports have been mailed to the members of the House and Senate Transportation Committees, and posted on the CRAB website.

Current Budget Status

Mr. Koster introduced Mr. Johnson, who noted that the agency is in good status overall this biennium. The slight overage in Fund 102 is due to past employee buy-outs.

Mr. Johnson reported that his office incorrectly coded a transaction regarding the GIS-Mo grant from the Washington Traffic Safety Commission. By the time the error was discovered, the federal deadline for re-submitting it had passed. This resulted in \$67,000 of the grant being unclaimed, which will come out of CRAB's regular budget instead. He noted that several controls are being implemented to prevent such an error in the future, including distinctive fund nomenclature, state and federal fiscal year-end reconciliation for grants, and having the contract manager prepare the A19 forms.

Mr. Johnson noted that prior to this issue, the agency was projected to end the biennium with \$66,000 in reserves. With some adjustments to planned purchases, the agency should still end with no overspending.

Move Update

Mr. Koster reported that the agency has moved into the new offices. He gave special recognition to the IT staff for the extra hours put in to move all of the technical systems.

Director's Activities

Mr. Koster reported on his recent activities, including working with the legislature to measure and mitigate potential loss of funding due to the passage of I-976.

RURAL ARTERIAL PROGRAM

Program Status Report

Mr. Hart noted that 2,001 projects have been completed to date. Anticipated revenue at the end of the 2019-2021 biennium is \$652,460,759. RAP expenditures to date total \$599,881,987. RAP obligations remaining are \$151,236,319, and 1.97 percent of revenue is set aside for administrative expenses.

Regional RAP Meetings Update

Mr. Hart reported that regional meetings were held in November, December and January. Topics covered included review of the elements supporting the CRABoard's call for projects for the 2021-2023 biennium; 2021-2023 biennial funding estimates for

RAP and CAPP; counties were reminded to include each RAP project on the Six Year Transportation Improvement Plan (TIP), or the project would lose eligibility for RATA funds; and RAP Online training for prospectus submittals.

He noted that the Federal Lands Access Program funding is programmed to projects through 2023. Western Federal Lands is planning for a possible call for new projects in March 2020. When the local agency elects to be the lead agency on new projects, the funds will now be administered through WSDOT, similar to the other federal aid programs.

Mr. Hart reported that all of the regions expressed satisfaction with current RAP project types and rating methods, and the counties have updated the 'most optimistic' start of construction timeframe for their RAP projects.

Mr. Bailey attended each RAP meeting and provided an overview of his plans for adding features to CRAB's Design Systems training and for organizing the Design Conference, and Mr. Woods discussed compliance issues as well as the basic requirements and restrictions of the new Emergency Loan Program.

Resolution 2020-001 – Apportion RATA Funds to Regions

Mr. Hart presented Resolution 2020-001 – apportion RATA funds to regions, which approves that the accrued amount of \$6,515,950 now credited to RATA in October, November and December 2019 be apportioned to the regions by the established 2019-2021 biennium regional percentages after setting aside \$140,416 for administration.

Commissioner French moved and Second Vice-Chair Janicki seconded to approve Resolution 2020-001 – Apportion Rata Funds to Regions. **Motion passed unanimously.**

Project Request Actions Taken by CRAB Staff

Mr. Hart noted that the following projects were dropped from the 2019–2021 RAP priority arrays, as they were not included in the counties' 2020–2025 Six Year TIP as submitted December 31, 2019:

| <u>County</u> | <u>Projects</u> |
|----------------------|--|
| Douglas | Whitehall Road |
| Grant | 4-NW/NE |
| Pend Oreille | Westside Calispel and McKenzie Road |
| Stevens | Cedonia – Addy |
| Franklin | Hollingsworth Road |
| Thurston | McCorkle Road and 113 th Ave SW |
| Pacific | South Fork Road |

Mr. Hart reported that the 1.52 mile length of Kitsap County's RAP-funded Seabeck Highway project, as listed on their Six Year TIP, did not match the prospectus length of 1.63 miles. The county engineer explained that this was due to misreporting of limits on the prospectus as milepost 3.34 to 4.97. The county engineer submitted a request to

reduce the length of the project to the correct 1.52-mile length, mileposts 3.40 to 4.92, on January 14, 2020. CRAB staff found the change did not affect the overall scope or cost of the project and in fact increased the project score from 85.40 to 85.55. Based on these findings, Mr. Koster approved the scope change and offered the county a contract amendment revising the project limits to milepost 3.40 to 4.92.

The Lincoln County Public Works Director submitted a draft request letter on January 3, 2020 seeking increased RAP funding on the emergency-funded Porcupine Bay Road project. After discussions among CRAB staff the request was found to be ineligible for increased funding since the work had already been awarded. Upon informing the county of CRAB's finding, the county withdrew its request.

On January 16, 2020, Pierce County notified CRAB staff via email that it had gained BRAC funding for bridge deck repair for their Dingle Basin Bridge No. 33206A, which is located in the middle of the RAP-funded Sumner Buckley Highway project. Since the deck repair was planned much sooner than the road surfacing, the two items of work will fall outside the two-year time window for commencement of all phases and so could not be performed as one RAP project. Staff suggested the county submit a scope revision, exempting the milepost limits for the deck repair out of the road project. Further discussions, however, revealed the two items of work might possibly be done within the two-year period 2021–2023, and the county elected to postpone consideration of a scope change request until a later time when the schedules will be firmer.

PUBLIC HEARING

Chair Stacy opened the public hearing on WAC 136-500 at 2:00 pm.

Adopt WAC 136-500 Emergency Loan Program

Mr. Woods reported that the goal of the program is to provide financial assistance to counties during a disaster, and presented the proposed language for WAC 136-500, Emergency Loan Program (ELP).

He reported that no comments have been received on the CR-102 filed in November 2019.

Chair Stacy opened the public hearing to public comments. Hearing none, the public comment portion of the hearing was closed.

Chair Stacy closed the public hearing on WAC 136-500 at 2:07 pm.

Following questions and discussion, Commissioner Ross moved and Commissioner French seconded to adopt WAC 136-500, Emergency Loan Program (ELP). **Motion passed unanimously.**

Chair Stacy opened the public hearing on WAC 136-163 at 2:08 pm.

Amend WAC 136-163 Allocation of RATA Funds to Projects

Mr. Woods noted that the proposed amendments eliminate the category of “emergency” in the criteria for eligibility for RATA Funding.

He reported that no comments have been received on the CR-102 filed in November 2019.

Chair Stacy opened the public hearing to public comments. Hearing none, the public comment portion of the hearing was closed.

Chair Stacy closed the public hearing on WAC 136-163 at 2:15 pm.

Following questions and discussion Commissioner Ross moved and Commissioner French seconded to amend WAC 136-163, Allocation of RATA Funds to Projects, as presented. **Motion passed unanimously.**

Chair Stacy called for a brief recess.

COMPLIANCE AND DATA ANALYSIS REPORT

Mr. Woods reported that all 39 counties submitted the required Six-Year Transportation Improvement Program (TIP) and Budget Analysis; Annual Construction Program; County Arterial Preservation Program (CAPP); County Budget Summary; Pavement Management System Certification for CAPP; Work Plan and Budget for Maintenance Management System (MMS); and Engineer Certification of December Forms by the December 31 due date. All those forms have been reviewed and accepted, and all 39 counties are in reasonable compliance for submitting their year-end forms.

The Certification of the 2020 Road Levy and Estimated Revenue Produced and Digital Submittal Certification for Forms Due February 3 forms went live on the CARS platform on January 7, 2020.

Mr. Woods noted that Grant, Kittitas and Mason Counties are actively recruiting to fill vacancies in the County Engineer’s position. Jeff Tincher, P.E. has submitted his resignation to Grant County, but is staying on a part time basis until the position is filled.

County Audit Reviews

| | Number | Findings | Management Letters | County Road or ER&R | CRAB Follow-Up Needed |
|-----------------------|--------|----------|--------------------|---------------------|-----------------------|
| <i>Financial</i> | 2 | 2 | 1 | No | No |
| <i>Accountability</i> | 8 | 0 | 0 | No | No |
| <i>Fraud</i> | 2 | 2 | 0 | No | No |
| <i>Performance</i> | 1 | 0 | 0 | No | No |

Mr. Woods noted that the State Auditor's Office has requested that Benton County shorten the time period of an interfund loan from their capital fund to ER&R for the construction of a fleet services building. This request was made during the exit conference and is not included in the management letter.

Mr. Woods certified that he has reviewed all of the above compliance reporting with the Deputy Director.

Mr. Woods reported on his other activities since the October 2019 CRABoard Meeting

DEPUTY DIRECTOR'S REPORT

County Engineers/Public Works Directors

By phone January 10, 2020, Grant County announced that Jeff Tincher would resign as County Engineer, effective January 31, 2020.

By email December 16, 2019 and by letter on January 22, 2020, Mason County announced that Diane Sheesley, PE, would resign as County Engineer, effective January 24, 2020. Mason County has named Dave Smith, PE, as Acting County Engineer for a period not to exceed six months, effective January 23, 2020.

County Visits completed since July 2019

Mr. Olsen reported that official County Visits were conducted in Kitsap and Pierce Counties. Numerous contacts with County Engineers took place in other venues.

State Auditor's Report

The 1997 State Auditor Office (SAO) audit of CRAB concluded that the minutes of the Board meetings needed specific mention of SAO audits of the counties and of any findings that might relate to the statutory responsibilities of CRAB. The minutes also need to reflect any recommendations from the CRABoard to staff in response to the audits. This report details our staff procedures to satisfy the SAO.

CRAB has reviewed 13 audit reports representing 11 counties since the October 2019 board meeting. Four audits contained a total of four findings issued and noen involved County Road Funds in some form. Any audits with county name in bold print revealed substantive findings involving County Road Funds, specifically:

2018 Audits

| Report # | Entity/Description | Report Type | Audit Period | Date Released | New Find# | Co. Rd? | PrevFind# | Status |
|----------|---------------------------------|-----------------------|--------------------------|---------------|-----------|---------|-----------|--------|
| 1025348 | Garfield County | Accountability | 01/01/2017 to 12/31/2018 | 12/26/2019 | | | | |
| 1025353 | Garfield County | Financial | 01/01/2017 to 12/31/2018 | 12/26/2019 | 1 | NCR | | |
| 1025125 | Kitsap County | Accountability | 01/01/2018 to 12/31/2018 | 12/19/2019 | | | | |
| 1025233 | Snohomish County | Accountability | 01/01/2018 to 12/31/2018 | 12/19/2019 | | | | |
| 1025184 | Yakima County | Accountability | 01/01/2018 to 12/31/2018 | 12/16/2019 | | | | |
| 1025213 | Spokane County | Accountability | 01/01/2018 to 12/31/2018 | 12/9/2019 | | | | |
| 1025139 | Grant County | Accountability | 01/01/2018 to 12/31/2018 | 12/2/2019 | | | 1 | NCR |
| 1025046 | Benton County | Financial and Federal | 01/01/2018 to 12/31/2018 | 11/21/2019 | 1 | NCR | | |
| 1025006 | Benton County | CAFR | 01/01/2018 to 12/31/2018 | 11/19/2019 | | | | |
| 1025052 | Chelan County | Fraud | 04/03/2019 to 07/19/2019 | 11/14/2019 | 1 | NCR | | |
| 1024809 | King County | Fraud | 07/01/2017 to 06/30/2018 | 11/7/2019 | 1 | NCR | | |
| 1024930 | Clallam County | Accountability | 01/01/2018 to 12/31/2018 | 10/31/2019 | | | 1 | NCR |
| 1024913 | Kittitas County | Accountability | 01/01/2018 to 12/31/2018 | 10/28/2019 | | | | |
| NC | County Road-Not Corrected | | | TOTALS | 4 | 0 | 2 | |
| NCR | Non-County Road | | | | | | | |
| CR-FC | County Road-Fully Corrected | | | | | | | |
| CR-PC | County Road-Partially Corrected | | | | | | | |

Deputy Director's Activities

Mr. Olsen reported on his activities since the October 2019 CRABoard meeting.

Kitsap County Complaint Inquiry

In a complaint filed Saturday, January 18, 2020, Ms. Alexandra Bry alleged that Kitsap County is out of compliance with the provisions of law relating to county road administration and with the standards of good practice as formulated by the County Road Administration Board.

She alleges that construction by county forces of Baltic Lane in Poulsbo has not been accomplished within statutory limitations; citing a lack of necessary and sufficient construction plans, a failure to maintain project records, and violations of construction.

She cites road reconstruction and road vacation as issues for review, alleging a disregard for residents' safety, as numerous accidents and one death have occurred at the intersection of Baltic Lane and Highway 3 because access could not be provided via Scenic Drive.

The complaint requests that "CRAB investigate Kitsap County for its failure to meet State and County Storm Water Codes/ Manual and County Road Codes; take any other appropriate measures within CRAB's authority to require Kitsap County to comply with statutorily requirements; and until this deficiency can be remedied, that the Board shall issue only a Conditional Certificate of Good Practice for Kitsap County when required to file such certification."

Prior to filing of a formal complaint, a number of contacts between Ms. Bry and CRAB staff by phone and email were initiated by the complainant, and a Public Records Request was filed on January 15, 2020, and fulfilled by CRAB staff on January 16, 2020. Ms. Bry requested clarification of information provided by Mr. Clark, and Mr. Olsen provided the response on January 17, 2020. The official complaint was filed on Saturday, January 18, 2020 at 1:24 pm. On Tuesday, January 21, 2020, Mr. Olsen

instructed staff to terminate any further discussions with Ms. Bry until staff made inquiry into the issue and reported to the CRABoard at its next regular meeting.

Mr. Olsen, Mr. Pohle, and Mr. Woods met with Kitsap County Engineer Jon Brand, Maintenance Superintendent Jacque Dean and Right of Way Manager Molly Foster on January 23, 2020, to review all of the documents concerning the road vacation of Scenic Drive and the conversion of Baltic Lane from gravel to asphalt surface. Upon completion of the documentation review, the review team found that, according to the file, the section of Scenic Drive was petitioned for vacation by Mr. Armitage and approved by the Board of Kitsap County Commissioners in 1977. When Ms. Bry inquired about the road vacation in 2008, it was discovered that the condition of granting a 15-foot easement to the public was not fulfilled. At first, the County's position was that the road vacation was invalid (per email dated February 3, 2009). At that time, Right of Way Manager Molly Foster was instructed to prepare a Resolution to the Board nullifying the road vacation (email dated February 10, 2009). However, after the road vacation was further discussed amongst staff and the Deputy Prosecuting Attorney, the DPA changed the County's original position, as there was no enforceable period for the agreement to be executed as instructed by the Board during the public hearing. Thus, the County allowed Mr. Armitage the opportunity for corrective action and set a period for which he had to comply. It is clear through the numerous emails in the file that he was contacted for compliance and did, in fact, comply, granting a 15-foot wide public easement. This determination and the County's position had been communicated to Ms. Bry throughout the process in 2009.

The conversion of Baltic Lane from gravel surface to asphalt surface was done in 2017 under County Road Project #1603 and was properly documented on the Annual Construction Program and Annual Construction Report for 2017 as required by WAC 136-18-060. The county had initially chosen to do the work using the bituminous surfacing method but subsequently chose to improve the roadway with asphalt concrete pavement for construction and durability reasons. This was a field decision made at the time of construction by the supervisor and was not reviewed with the County Engineer before the project was completed. The change in surfacing type triggered a Storm Water review that found that even though the method of surfacing had changed, no storm water mitigation was required as per Kitsap County Storm Water Management Code, Chapter 12.20, as the surfacing did not exceed the 10,000 square foot impervious surface criteria.

Detailed plans and specifications for the county forces construction of Baltic Lane were not required for this project as per RCW 36.80.070 and WAC 136-18-035. This is a routine construction activity, easily completed with limited direction of highly skilled personnel well versed in the techniques used to accomplish the project. The County was well within their annual limit for county forces construction. The County received letters of appreciation from five other residents of Baltic Lane after the project was completed.

CRAB staff conducted a field review of Baltic Lane at 1:30 pm on January 23, 2020. Photos were taken of the conditions existing at that time. The roadway is not signed as primitive and is no longer eligible for that designation. It had rained 3.24 inches in the 48 hours prior to the review, yet very little storm water runoff appeared in any of the ditches on Baltic Lane. The surface was well constructed and maintained, properly graded and sloped and showed no surface condition issues normally associated with subsurface water incursion or storm water sheetflow in the area.

The intersection of Baltic Lane and State Route 3 is at a slight skew but sight distance in both directions is sufficient for the 50 mph speed limit set for SR3. In the last five years, eight accidents have occurred on SR 3 near the Baltic Lane intersection but, there appear to be no accidents involving the turning movements in either direction from Baltic Lane to SR 3 or vice versa.

CRAB staff feels that many of the other issues raised by Ms. Bry can and should be addressed by other departments in Kitsap County. It is the opinion of the CRAB staff who conducted the review of the documents and performed the field review that Kitsap County Road Department is not in violation of any Standards of Good Practice concerning general administration of county road programs and that a Conditional Certificate of Good Practice is not warranted.

The Board commended the CRAB staff for an excellent job handling the request in a prompt and professional manner, and conducting a thorough and comprehensive review of the documents and facts as well as the conditions in the field.

Following questions and discussion, Commissioner French moved and Second Vice-Chair Janicki seconded that:

The Board accepts staff's report;

The Board concurs with the findings of staff's report;

The Board agrees that issuance of a Conditional Certificate of Good Practice to Kitsap County is not warranted;

The Board considers that staff has fulfilled Ms. Bry's request in full, and the matter is closed.

Motion passed unanimously.

INFORMATION SERVICES DIVISION REPORT

Mr. Hagenlock reported on the GIS-Mo project, noting that a Go-Live Readiness Briefing was held December 11, 2019. Staff has obtained an OCIO Waiver through the roll-out scheduled for July 31, 2021. He presented a detailed activity schedule for 2020, and noted that CRAB staff has conducted two-day GIS-Mo training for 17 counties.

For the migration of servers to WA-Tech, staff has obtained a waiver through January 31, reconfigured the original architecture, and submitted a supplemental budget request for private cloud operating costs. Staff intends to request an extension of the waiver, as all delays have been on WA-Tech's end.

Mr. Hagenlock noted that Mr. Campbell has completed IT Infrastructure Library Certification and Web Development Certification. Mr. Oyler and Mr. Clark attended the VUECon Conference 2019 in Orlando, FL, and received an award for Project Return on Investment.

In the second quarter of FY2019, 79 issues were reported across 17 categories, and 96 issues were resolved across 18 categories.

ENGINEERING AND ADMINISTRATIVE SUPPORT REPORT

Mr. Pohle reported one official County Visit to Kitsap County. He noted 38 total contacts in the last quarter: 18 with counties, six with other agencies, and two with the public.

He noted that one new audit issue, with compliance components initiating consultative contacts, involving the road fund or road departments, has been reviewed in the last quarter.

Office of the County Engineer Training was held in the CRAB offices December 3-5. There were 12 participants from nine counties and three from CRAB staff. Mr. Pohle has updated the agenda and some content for the May 2020 class.

He reported on his other activities since the October 2019 CRABoard Meeting.

Chair Stacy recessed the meeting at 4:03 pm, until January 31, 2020 at 8:30 am.

County Road Administration Board
Friday, January 31, 2020

CALL TO ORDER

The meeting was called to order by Chair Stacy at 8:30 am.

WSACE REPORT

Ms. Wall reported that the topic for the annual Professional Development Conference February 5-7 at the Suncadia Resort is "Law School for Public Works". There are almost 90 attendees registered from 29 counties and other agencies including CRAB.

She noted that the WSACE Board has adopted a new dues structure and updated their bylaws.

She listed possible ramifications of the passage of I-976, noting that the House and Senate are currently at odds over how to address the loss of approximately \$450 million in revenue.

Ms. Wall and the Board discussed several transportation bills currently before the legislature. She reported that the WSACE plans to spend this year looking toward 2021 and a possible transportation spending package.

DESIGN SYSTEMS AND UAS PROGRAM REPORT

Mr. Bailey noted that he attended four regional RAP Meetings with Mr. Hart and Mr. Woods, where he met with approximately 40 county personnel and presented the status and a projected vision of the Design Systems and UAS Programs.

He provided in-person project support to Skagit County on their Bow Hill Project and followed up with a remote support session via TeamViewer. He also provided support to Whitman County through CRAB-NET and generated a knowledge base article for future reference. He intends to promote CRAB-NET and TeamViewer to all of the counties so staff can more readily assist counties when they have support issues.

Mr. Bailey is planning for the 30th Road Design Conference, to be held March 14-16 at Campbell's Resort at Lake Chelan. He has secured full sponsorship of all planned events, and is working with presenters to form training sessions.

He attended Autodesk University 2020 in Las Vegas in November 2019, attending 15 training courses over five days. Many of the AEC courses were overbooked. Fourteen courses were on-screen, and one was a hands-on lab. He noted that 2020 will be the last year of this format, moving to smaller individual conferences for specific product lines. At the conference, he met with five software vendors regarding Civil 3D tools and CRAB's interest in the development of an e-learning system.

Mr. Bailey reviewed CRAB's current training materials, determining that it is outdated. He noted that development of in-house training materials would require approximately 1000 hours to create. Therefore, staff decided to purchase the materials from a highly respected instructor and author, whose course normally costs \$1,295 per student,

With the focus on getting Design Systems Training back on-line, the UAS Program has no change of status. He noted that the Federal Aviation Administration (FAA) has issued the proposed rule for remote identification of drones. It is currently in a 60-day review and comment period. This would build on previous steps taken by the FAA and the UAS industry to safely integrate operations. These efforts are the foundation for more complex operations as the industry moves toward a traffic management ecosystem for drone flights separate from, but complementary to, the air traffic management system. If enacted, existing registered aircraft will be required to comply within 36 months. An internet hot-spot may be required to execute missions

Ms. Mayner reported that the annual WSACE Conference will be held June 8-11 at Lake Chelan. Tuesday, June 9 there will be a retirement celebration for Mr. Olsen.

Commissioner Koch noted that former CRABoard member David Carey passed away on January 1.

Meeting adjourned by Chair Stacy at 9:48 am.



Chair



Attest