COUNTY ENGINEERS' AND PUBLIC WORKS DIRECTORS' MANUAL

BOOK 1 – DESK MANUAL

WASHINGTON STATE
COUNTY ROAD ADMINISTRATION BOARD
OLYMPIA, WASHINGTON

COUNTY ENGINEERS' AND PUBLIC WORKS DIRECTORS' MANUAL

BOOK 2 – REFERENCE MANUAL

WASHINGTON STATE
COUNTY ROAD ADMINISTRATION BOARD
OLYMPIA, WASHINGTON

Begin Book Two

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1.A. STATUTORY RESPONSIBILITIES

1A.1. Organization and Mission

The County Road Administration Board (CRAB) is a nine-member board organized under the provisions of RCW 36.78.010 through 36.78.110 for the purpose of establishing and administering standards of good practice for county road departments throughout the state and for distributing gas tax revenues to the counties. CRAB is unique in that the Board is composed of six current county commissioners and/or council members and three county engineers all of whom are appointed by the Washington State Association of Counties (WSAC); thus the legislature allows the counties to regulate themselves. CRAB has a full time staff to accomplish day-to-day functions and to provide information and support to the Board members.

1.A.2 Standards of Good Practice

RCW 36.78 requires CRAB to establish, by rule, Standards of Good Practice for the "administration of county roads and the efficient movement of people and goods over county roads". The current Standards are contained in WAC 136-12 through 136-70. CRAB verifies compliance with the Standards through various reports due throughout the year. In order to help counties to comply with the standards, CRAB staff provides a variety of resources and assistance.

1.A.3. Certificate of Good Practice

Annually, each county engineer and either the chair of the board of county commissioners or the county executive must certify that the county has operated in compliance with the Standards of Good Practice. Based upon this certification, the annual Bridge Inspection Report, and biennial performance audits, CRAB issues Certificates of Good Practice to the State Treasurer, which allows disbursement of gas tax revenues to the individual counties in the following year.

1.A.4. Grant Programs – RAP and CAPP

In response to evaluations of county road needs, and with support from county commissioners and county engineers, CRAB has been successful in receiving legislative approval and funding for two grant programs – the Rural Arterial Program (RAP) in 1983 and the County Arterial Preservation Program (CAPP) in 1990.

Between these two programs some $28 million per year is made available to counties for the reconstruction of the county rural arterial system and for the preservation of both rural and urban paved arterials.

Specific information on these programs is contained in the revenue section of this manual.

1.A.5. County Roadlog and MVFT Distribution

Prior to 1985, the WSDOT was responsible for maintaining the county roadlog. In addition to providing an important data element for the computation of each individual county's share of the Motor Vehicle Fuel Tax (MVFT or 'Gas Tax') by WSDOT, the roadlog information also served as part of the periodic reports furnished to the Federal Highway Administration by WSDOT. Until 1985, WSDOT, through the

former State Aid Division (now H&LP) was the state agency responsible for the MVFT distribution to the counties in cooperation with CRAB.

In 1985, with the mutual agreement of both WSDOT and CRAB, the responsibility of maintaining the county roadlog as well as the sole responsibility for the county distribution of the MVFT was legislatively transferred to CRAB. To keep CRAB overhead low and to encourage the counties to take ownership in the roadlog, CRAB developed a special roadlog software package that enabled each county to maintain its roadlog at its own offices and to send updates annually to CRAB. The roadlog software was installed by CRAB in each county in 1987. CRAB was also able to purchase an appropriate desktop computer for each county to host this software. As a result, CRAB staff effort for the annual roadlog updates and the biennial calculation of the gas tax distribution factors has been kept to a minimum. The original roadlog update software has been greatly expanded and upgraded into the comprehensive County Road Information System (CRIS), which is in use in all counties as a major road management tool. Its successor, Mobility, is nearing release and will provide the opportunity for even better management of the counties' road systems in a highly user-friendly way.

See the Revenue Section for a more detailed discussion of the roadlog and MVFT distribution processes.

1.A.6. Capital Ferry Program

There are currently four counties that operate their own ferry systems – Whatcom, Skagit, Pierce, and Wahkiakum. Although the state does provide some operational subsidy [RCW 47.56.720 and .725] and regular highway-related grant programs can be used for the landing facilities, actual replacement of the very expensive ferry vessels was without a grant assistance program until 1991 when CRAB received legislative approval for a capital ferry program. Both RCW 47.56.725 and RCW 46.68.090 were amended to permit, with approval by the legislature, a portion of the counties' share of gas tax to be used for a capital ferry grant program. Appropriate administrative rules, contained in WAC 136-400, were adopted by CRAB in 1991 to manage this innovative program.

Any county that owns and operates its own ferry system should become familiar with the above provisions as well as the basic statute under which they operate, RCW 36.54.

1.B. FUNCTIONAL AREAS

1.B.1. Overview

The mission of the County Road Administration Board is to preserve and enhance the transportation infrastructure of Washington Counties by providing standards of good practice, fair administration of funding programs, visionary leadership, and integrated, progressive, and professional technical services.

Two of the agency's major functions are to assist counties in complying with the standards of good practice and to support enhanced professionalism in all the county road departments of the state.

1.B.2. Executive Services

The CRAB Executive Team includes its Executive Director, Deputy Director, Assistant Director, and Executive Assistant. The Executive Team is responsible, under the direction of the Board, for implementing agency policy and for managing agency staff. They work closely with WSAC and the legislature on all issues affecting transportation in the State of Washington, and in particular county road programs. Viewing state, county, and city transportation systems as a seamless entity, CRAB interfaces with appropriate agencies and representatives on a continual basis.

At the staff level, CRAB provides ongoing coordination with other city, county, and state organizations and provides a variety of grant programs and information resources to the counties.

Beginning January 2001, in an effort to increase support to the Eastern Washington counties, a senior level staff engineer has been assigned to work out of Spokane.

1.B.3. Engineering Services

The Engineering Services (ES) Division, under the direction of the Deputy Director, includes the Special Projects Manager, Maintenance Manager, Maintenance Systems Engineer, Grant Programs Engineer, and Inventory/PMS Engineer. This small staff, all of whom hold Professional Engineer licenses, is directly responsible for:

- All functions related to the administration of the Rural Arterial Program, the County Arterial Preservation Program, and the Capital Ferry Program;
- All functions related to the maintenance of the county roadlog and the computations and updates to the distribution of the counties' share of the motor vehicle fuel tax;
- Management of the reports and other information necessary for recommendations related to the Annual Certificate of Good Practice for each county.

Other functions of the division include:

- Providing guidance and research on statutory and regulatory issues affecting county road and public works departments;
- Providing assistance in representation of county engineer interests on a variety of state-level committees and task forces;
- Providing design and traffic engineering assistance to counties as requested, including consultant selection assistance;

- Providing liaison services on behalf of county engineers with various state agencies, especially the H&LP Division of WSDOT.

Included in Engineering Services' functions is the provision of transportation planning support. The goal is to keep County Engineers informed of changes in planning requirements that may affect the development of the counties' transportation programs. CRAB has worked directly with counties to assist them in using appropriate levels of technology in developing their plans. In addressing the major issues of the Growth Management Act (GMA), CRAB has presented workshops on level of service standards and concurrency management systems.

To keep abreast of future changes, ES staff participates in various interagency work groups on such issues as least-cost planning methodologies, rural mobility needs, watershed planning, environmental permitting, telecommunications, and urban design issues.

CRAB acts as a clearinghouse for questions and for the exchange of ideas. With an emphasis on good communication, ES staff has worked with both planning and public works departments as they strive to meet the transportation needs of their counties.

Engineering Services also strives to stay informed and to share information about emerging issues impacting county public works departments. Issues currently meriting such attention are the Endangered Species Act, GASB 34 financial reporting requirements, and asset management. Beginning in 2001, a major focus of the ES Division will be on developing a Maintenance Management System and assisting the counties in its implementation.

A final responsibility of the ES Division is the maintenance and updating of the county Engineers' and Public Works Directors' Manual and the provision of training to County Engineers and their staffs.

1.B.4. Information Services

The Information Services (IS) Division, under the direction of the Assistant Director, is made up of a team of professionals from the software applications, systems and engineering disciplines. Within the overall mission of CRAB, to ***preserve and enhance the transportation infrastructure of Washington Counties by providing…integrated professional technical services*** and in order to comply with our legislative mandate to ***ensure effective use of technology in the counties,*** the Information Services Division has a specific mission.

The mission of the IS Division of CRAB is to provide the county road departments of the State of Washington with information technology systems, consultation, and support that will make them more effective and efficient and/or improve their working environments.

Our efforts to accomplish this mission are diverse and complex yet could be described in these four areas:

- *Provide engineering design software, training, and support that enable county design personnel to maximize design through enhanced revision and alternative analysis using automated systems.* To accomplish this, CRAB negotiated a

master contract with Eagle Point Software of Iowa. Through this contract CRAB purchased the first 183 licenses for this state-of-the-art civil engineering design software for Washington Counties and continues to make further licenses available for about one-tenth the list price. A design engineer is on staff at CRAB to provide support beyond that which **Eagle Point** provides and to offer free training and consultation to county staff on the design discipline and design software.

- *Develop and provide management systems software, training, and support that make the best use of technology to preserve infrastructure investment, automate tedious tasks, suggest management strategies, and ensure consistency, equity and informed decisions in the business of road departments.* In the mid-1980's, CRAB developed an application called the County Road Information System (**CRIS**). Although **CRIS** has been an effective management tool in our counties for at least 15 years, it was developed on yesterday's technology and so CRAB has developed a replacement for **CRIS**, called **Mobility**, using tomorrow's technology. **Mobility**, like **CRIS**, inventories your road system and all of its appurtenances, as well as having management systems for pavement, maintenance, safety, and more. In the coming years **Mobility** will respond to the ever changing needs and challenges of our county road departments.
- *Initiate and foster forums, conferences, workshops, and other venues of networking and communication that encourage the sharing, cooperative, and synergistic environment our county road departments enjoy across the state.* Our staff, though very accomplished and professional, doesn't have all the answers or even know many of the questions. CRAB, because of its structure (unique in the nation), has become a "pipeline" of information between the counties and other transportation entities. CRAB staff not only creates opportunities for the exchange of information and solutions but also represents our counties' interests at numerous venues where county personnel are not always able to attend.
- *Provide a timely, useful, and unique response to special county needs where information technology solutions apply.* CRAB provides solutions to the uncommon problems that arise in Washington counties. When a county does not have access to specific information or expertise needed to solve a problem or when they have a temporary lack of resources, they can call on CRAB for assistance.

1.C. SERVICES PROVIDED

1.C.1. Regulation

- With the assistance of county engineers, develops mandatory uniform practices "relating to the administration of County roads and the safe and efficient movement of people and goods over county roads".
- Provides management and technical programs and assistance to enable counties to attain and maintain compliance with the Standards of Good Practice.

1.C.2. Funding

- Directs the distribution of the county portion of the state fuel tax using the best available cost factors based upon analysis by staff engineers and county engineers.
- Administers Rural Arterial Program grants using statutory criteria and unique priority processes developed by county engineers in each of five state regions. Priority processes are examined at least annually by staff and county engineers to insure that the best projects are being funded with limited resources.
- Administers County Arterial Preservation Program grants in accordance with statutes and insures that Pavement Management Systems are used.

1.C.3. Information Technology

- Develops and provides professional support and training for integrated inventories and management systems (such as Pavement Management) to assist county road departments to manage their road systems efficiently and cost effectively.
- Develops general management systems such as pavement management and accident analysis for all counties, as well as custom applications needed by individuals or groups of counties.
- Provides engineering design systems to counties at little or no cost that, along with support and training, enables them to efficiently design road improvements.

1.C.4. Management and Technical Support

- Provides training for county Engineers, Public works Directors, and key management staff on the statutory and professional requirements of their positions.
- Provides comprehensive on-site and telephone support for any and all questions related to the operation of county road departments and performance of engineering and management duties.
- Assists counties as requested in hiring key staff by screening resumes, providing interview questions, and participating on interview panels.
- Provides transportation planning services to assist counties in the development of transportation plans, concurrency management systems, and models of their transportation networks.
- Drafts model ordinances, resolutions, and policies upon request by counties.
- Represents county road department interests on boards and committees whose actions directly affect counties.

2.A. GENERAL ADMINISTRATIVE RULES

CHAPTER NUMBER	TITLE	ORIGINAL ADOPTION	LAST REVISION	REVISION NUMBER
1	Organization and Operation of County Road Administration Board	10/17/1968	10/29/1998	4
2	Implementation of State environmental Policy Act for CRAB	7/23/1976	10/29/1998	2
3	Public Access to Information and Records	5/5/1992	10/29/1998	1
4	Annual Certification of Good Practice	10/18/1974	10/29/1998	5
10	Duties of County Road Engineer – County Legislative Authority	6/6/1968	7/20/2000	7
11	Maintenance Management	1/16/1980	10/29/1998	2

ORGANIZATION AND OPERATION OF COUNTY ROAD ADMINISTRATION BOARD

WAC 136 CHAPTER 1

WAC 136-01-010 Purpose and authority.
The county road administration board is a nine-member board, organized under the provisions of RCW 36.78.010 through 36.78.110.

WAC 136-01-030 Meetings and voting procedures.
Regular public meetings of the county road administration board shall be held quarterly, at times and locations set by the board. At the summer meeting, the board shall elect a chair and vice-chair, who shall both hold office until the next summer meeting. Additional meetings necessary to discharge the business of the board may be called from time to time by the chair. Each member of the board shall be entitled to one vote. No proxies shall be allowed. All questions shall be decided by majority vote. A quorum of five members of the board shall be required to vote or conduct any board business.

IMPLEMENTATION OF
STATE ENVIRONMENTAL POLICY ACT FOR CRAB

WAC 136 CHAPTER 2

WAC 136-02-010 Purpose and authority.
This chapter is promulgated pursuant to the directions of chapter 43.21C RCW (SEPA) and chapter 197-11 WAC (SEPA rules). The adoption of this chapter is deemed to be in compliance with the requirements of chapter 43.21C RCW and chapter 197-11 WAC.

WAC 136-02-020 Statement of exempt activities.
The county road administration board has reviewed its authorized activities and found them all to be exempt under chapter 43.21C RCW and SEPA rules, WAC 197-11-800 (13), (15), (16), (18), (19), (20) and (23). This statement is adopted in accordance with RCW 43.21C.135 (1) (a).

PUBLIC ACCESS TO INFORMATION AND RECORDS

WAC 136 CHAPTER 3

WAC 136-03-010 Purpose and authority.
The purpose of this chapter is to establish rules for compliance by the Washington county road administration board with the provisions of RCW 42.17.250 through 42.17.340 dealing with public records. This chapter describes the places at which, the employees from whom, and the methods whereby persons may obtain information, make submittals or requests, or obtain copies of agency decisions. Other chapters in Title 136 WAC describe the general course and method of the board's operations and the nature and requirements of all of its formal and informal procedures. For a description of the board's organization, see chapter 136-01 WAC.

WAC 136-03-020 Public records officer.
The board's public records officer shall be the executive assistant to the county road administration board. The public records officer shall be officed at 2404 Chandler Court S.W., Suite 240, Olympia, Washington. The public records officer shall be responsible for:

(1) Implementation of RCW 42.17.250 through 42.17.340 and these rules and regulations regarding release of public records;
(2) Coordinating staff efforts of the county road administration board in this regard; and
(3) Ensuring compliance of the staff with RCW 42.17.250 through 42.17.340 and these regulations.

The public records officer shall establish and maintain the index system required by RCW 42.17.260(4).

WAC 136-03-030 Public records available.
All public records of the county road administration board not exempted by RCW 42.17.310, or other statute which exempts or prohibits disclosure (see RCW 47.17.260(1)), shall be available for public inspection and copying pursuant to these rules.

WAC 136-03-040 Requests for public records.
Public records of the county road administration board shall be obtainable by persons who comply with the following procedures:

(1) A written request for public records shall be addressed to the public records officer. Such request shall include the following:
    (a) The name of the person requesting the records (requester).
    (b) The calendar date on which the request was made.
    (c) If the requested records are referenced in the current index maintained by the county road administration board, a reference to the requested record as it is described in such current index.
    (d) If the requested records are not referenced in the current index, a statement that identifies the specific records requested.
    (e) Where the requested records might be used for such a purpose, a verification that the records requested shall not be used to compile a commercial sales list.
(2) The public records officer shall inform the requester whether and when the requested records will be available for inspection or copying at 2404 Chandler Court S.W., Suite 240, Olympia, Washington. If the requester asks that the records be mailed to him or her, the public records officer shall do so, provided the records can be copied and sent without unreasonably disrupting the operations of the county road administration board, as provided in RCW 42.17.270.

(3) When it appears that a request for a record is made by or on the behalf of a party to a lawsuit or a controversy to which the county road administration board is also a party (or when such a request is made by or on the behalf of an attorney for such a party) the request shall be referred to the assistant attorney general assigned to the county road administration board for appropriate response.

WAC 136-03-050 Availability for public inspection and copying of public records-Office hours.
Public records shall be available for inspection and copying during normal business hours of the county road administration board. For the purposes of this chapter, these normal business hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

WAC 136-03-060 Inspection and copying costs.

(1) No fee shall be charged for inspection of public records.

(2) The county road administration board shall impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy records; such charges shall not exceed the amount necessary to reimburse the county road administration board for its actual costs incident to such copying. Actual costs shall include:

(a) The labor and overhead costs of staff associated with responding to the request;

(b) Computer and/or copying machine costs and overhead; and

(c) Paper and/or other duplicating medium costs.

WAC 136-03-070 Protection of public records.
In order to protect records from damage or disorganization:

(1) Copying of public documents shall be done by county road administration board personnel or, at the discretion of the county road administration board, under their supervision.

(2) No document shall be physically removed by a requester from the area designated by the county road administration board for the public inspection of documents. The board may require that all inspection be done in the presence of a county road administration board employee.

(3) When a requester requests to examine an entire file or group of documents, as distinguished from certain individual documents which can be identified and supplied by themselves, the county road administration board shall be allowed a reasonable time to inspect the file to determine whether information protected from disclosure is contained therein, and the board shall not be deemed in violation of its obligation to reply promptly to requests for public documents by reason of performing such inspection.

WAC 136-03-080 Denial of request.
Each denial of a request for a public record shall be accompanied by a written statement to the requester clearly specifying the reasons for denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. Such statement shall be sufficiently clear and complete to permit the director or his or her designee to review the denial in accordance with WAC 136-03-090.

WAC 136-03-090 Review of denial of public records request.

(1) Any person who objects to the denial of a request for a public record may petition the public records officer for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) If the public records officer decides to affirm the denial, then the written request for review shall immediately be referred to the assistant attorney general assigned to the county road administration board. The assistant attorney general shall promptly consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the public records officer has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

WAC 136-03-100 Records index.

(1) The county road administration board shall have available to all persons at its offices in Olympia a current index which provides identifying information as to the following records:

(a) All records issued before July 1, 1990, for which the county road administration board has maintained an index;

(b) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the county road administration board in carrying out its duties;

(c) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the county road administration board in carrying out its duties;

(d) Interpretive statements as defined in RCW 34.05.010(8) that were entered after June 30, 1990;

(e) Policy statements as defined in RCW 34.05.010(14) that were entered after June 30, 1990; and

(f) Minutes of county road administration board meetings.

(2) The system of indexing shall be as follows:

(a) The indexing system shall be administered by the board's public records officer and shall be located at 2404 Chandler Court, S.W., Suite 240, Olympia, Washington.

(b) Copies of all indexes shall be available for public inspection and copying in the manner provided for the inspection and copying of public records.

(c) The public records officer shall establish and maintain a separate index for each item contained in subsection (1) (a) through (f) of this section as follows:

(i) All final orders and declaratory orders determined by the county road administration board to contain analyses or decisions of substantial importance to the board shall be listed alphabetically by the titles of the hearing or controversy and shall contain a phrase describing the important issue or issues.

(ii) Interpretive statements and policy statements shall be indexed by the applicable program administered by the county road administration board.

(iii) County road administration board minutes shall be indexed chronologically.

(d) The public records officer shall update all indexes at least once a year and shall revise such indexes when deemed necessary by the county road administration board.

WAC 136-03-110 Availability.
The current indexes promulgated by the county road administration board shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

ANNUAL CERTIFICATION OF GOOD PRACTICE

WAC 136 CHAPTER 4

WAC 136-04-010 Purpose and authority.
The county road administration board is authorized by RCW 36.78.090 through 36.78.100 to transmit to the state treasurer certificates of good practice, hereinafter referred to as certificates, on behalf of the counties which during the preceding calendar year have reasonably complied with provisions of law relating to county road administration and with the standards of good practice as formulated and adopted by the county road administration board or to issue conditional certificates. This section sets forth the procedure to be followed by the county road administration board in the issuance and revocation of such certificates.

WAC 136-04-020 Inquiry by the county road administration board.
The executive director shall formulate a questionnaire for use by the counties designed to demonstrate to the county road administration board each county's level of compliance with pertinent laws and regulations. The proposed questionnaire shall be reviewed and approved by the county road administration board at its first meeting of each calendar year and may be revised and modified from year to year to reflect changes in statutory and regulatory requirements. The approved questionnaire shall be distributed to all counties no later than 15 days after said meeting.

WAC 136-04-030 Response by the county.
Each county engineer shall complete the questionnaire, certify as to its accuracy, have it approved by the county legislative authority or the county executive, and shall return it to the executive director no later than April 1st.

WAC 136-04-040 Review by the county road administration board.
The executive director shall receive the completed questionnaires and prepare a report for the county road administration board regarding the level of each county's compliance with pertinent laws and regulations. The board shall review the executive director's report at its second regular meeting of each calendar year.

WAC 136-04-050 Certificate of good practice.
The county road administration board shall transmit a certificate to the state treasurer prior to May 1st of each year on behalf of those counties found to be in reasonable compliance with provisions of law relating to county road administration and with the Standards of Good Practice as formulated and adopted by the county road administration board.

WAC 136-04-055 Revocation of certificate of good practice.
Whenever the county road administration board finds that after issuance of a certificate a county fails to meet the requirements of such certification, the board may revoke the previously issued certificate, or substitute a conditional certificate therefor, in the manner provided in WAC 136-04-080 and 136-04-090.

WAC 136-04-060 Conditional certificate of good practice.
Whenever the board finds that a county has failed to be in reasonable compliance with provisions of law or standards of good practice, it may transmit to the state treasurer on behalf of such county a conditional certificate, in the manner provided in WAC 136-04-080 and 136-04-090. Any such conditional certificate shall be issued subject to terms and conditions as deemed by the board to be appropriate, and will authorize continued distribution to such county or all or a designated portion of its share of motor vehicle fuel taxes. A copy of such conditional certificate shall be sent to the legislative authority of the county on whose behalf it was issued. One of the conditions of such

conditional certificate shall be a review by the county road administration board at a subsequent meeting of the situation which caused its issuance.

WAC 136-04-070 Review of conditional certificates.
At a designated subsequent meeting, the county road administration board shall receive a report from the executive director pursuant to each conditional certificate. The board shall issue a certificate upon finding that the county has complied or is diligently attempting to comply with the terms and conditions of the conditional certificate. If the board finds that the county has not satisfied or diligently attempted to satisfy the terms and conditions of the conditional certificate, it may, in the manner provided in WAC 136-04-080 and 136-04-090:

(1) Continue such conditional certificate for further review;
(2) Modify such conditional certificate; or
(3) Revoke such conditional certificate.

WAC 136-04-080 Notice of pending revocation or substitution.
The board shall not consider revocation of a certificate or substitution of a conditional certificate or adverse modification of a conditional certificate for any county unless written notice of hearing thereon shall have been given to the legislative authority or county executive at least thirty days prior to the board meeting at which such revocation, substitution or modification is to be considered. Such notice shall include an invitation for representation by the county at such hearing.

WAC 136-04-090 Hearing on revocation or substitution.
At the time appointed for the hearing, the county road administration board shall receive a report from the executive director detailing those laws or regulations with which the county is not in reasonable compliance, or those terms and conditions of the conditional certificate which the county has failed to meet. The board shall provide opportunity for presentation of written and/or oral testimony on behalf of the county and may thereupon:

(1) Continue or modify a conditional certificate;
(2) Substitute a conditional certificate for a certificate; or
(3) Revoke either the certificate or conditional certificate.

WAC 136-04-100 Revocation of certificate.
Upon revocation of a certificate or conditional certificate by the county road administration board, notice thereof shall be given to the state treasurer and to the legislative authority or county executive of the affected county. If any certificate is revoked without a conditional certificate being substituted therefor, the board shall review the affected county's (ies') compliance with pertinent laws and regulations at each subsequent regularly scheduled meeting until such time as the board finds that the county has reasonable complied or is diligently attempting to comply with such laws and regulations.

WAC 136-04-110 Effect of noncompliance with standards of good practice.
Failure of a county to receive and maintain a certificate of good practice or a conditional certificate of good practice will, upon notification to the state treasurer by the county road administration board, result in the withholding from the county of a part of or its entire share of motor vehicle fuel tax distributable pursuant to RCW 46.68.120.

RELATIONSHIP OF COUNTY ENGINEER AND COUNTY LEGISLATIVE AUTHORITY

WAC 136 CHAPTER 10

WAC 136-10-010 Purpose and authority.
The powers and duties of the county legislative authority in relation to roads and bridges, and the qualifications and duties of the county engineer are set forth in Title 36 RCW. The purpose of these laws is to designate the county engineer as the chief administrative officer of the county road department. This chapter defines the formal relationship between the legislative authority and its county engineer in order to assure the efficient and productive operation of the road department.

In this chapter and throughout Title 136 WAC, the term "county engineer" shall mean both "county road engineer" and "county engineer", as those terms are used in Title 36 RCW.

WAC 136-10-020 Duties of county legislative authority.
Certain specific powers and duties are set forth in RCW 36.75.040, 36.75.050, 36.80.010, 36.81.121 and 36.81.130. In addition to specific statutory duties the county legislative authority shall have the duty to develop written policies regarding county road department operation for the information and guidance of the county engineer.

WAC 136-10-030 Duties of the county engineer.
The various duties and responsibilities of the county engineer are set forth in chapter 36.80 RCW. In addition to these specifically defined duties the county engineer shall be guided by written policies regarding county road department operation as promulgated by the legislative authority.

WAC 136-10-035 Charter counties.
In counties that have adopted a home rule charter, as provided for in Article 11 subsection 4 of the state Constitution, the duties and responsibilities of the county engineer set forth in chapter 36.80 RCW may be modified by the county legislative authority as allowed by existing constitutional law, statutory law, and county's charter.

WAC 136-10-040 Organization of county road department.
It shall be the county engineer's duty to organize the road department in accordance with policy of the county legislative authority into such departments, divisions, districts or units as may be necessary to meet statutory requirements and to perform such additional services as may be directed by policy of the legislative authority.

WAC 136-10-050 Written policy.
In order to implement the requirements of this chapter, the county legislative authority shall develop and by resolution adopt written policy covering any matters relating to road department operation as they may see fit. The following matters, at a minimum, must be covered by such policies:

(1) Policy regarding organization. A chart or pictorial representation showing in detail the interrelationship of all positions in the road department from the county legislative authority through all employees. The chart shall clearly show the complete line of command throughout the entire organization. Copies of such chart shall be prominently posted in the office of the county engineer and road department shops in such a manner that it will be readily available to all road department employees and the general public.

(2) Policy regarding personnel practices. A complete written statement of all policies relating to the personnel of the road department including but not limited to

recruitment, appointment, promotion, dismissal, hours of work, overtime, annual leave, sick leave, military leave, holidays, classification, union relationship where applicable, and general work rules. Copies of such statement shall be prominently posted in the office of the county engineer and road department shops in such a manner that it will be readily available to all road department employees and prospective employees.

(3) Policy regarding handling of complaints. A written statement setting forth the method by which complaints from the general public related to any road department activity will be handled. The purpose is to assure that each county will have an orderly procedure to insure that citizen complaints receive prompt attention.

(4) Policy regarding approval of work for other public agencies and county departments. A written statement that includes but is not limited to the following:

(a) Statement of intent indicating whether or not the legislative authority will accept requests for work for other public agencies or other county departments.

(b) Statement indicating procedures to be followed in processing such requests in accordance with applicable statutes.

(c) Statement indicating any delegation of authority in processing such requests.

(5) Policy regarding accommodation of utilities on county road rights of way. A written statement setting forth the county's administrative, procedural, and technical requirements regarding the installation, replacement, adjustment, relocation, and maintenance of all utilities in, on, or above the county road right of way.

WAC 136-10-060 Forwarding of written policy.

Each county legislative authority shall submit to the office of the county road administration board one copy of each policy required in WAC 136-10-050, and any subsequent revisions thereto, adopted pursuant to this regulation. The county road administration board shall maintain a current file of all such adopted policies of all legislative authorities.

MAINTENANCE MANAGEMENT

WAC 136 CHAPTER 11

WAC 136-11-010 Purpose and authority.
The laws of the state of Washington specify in RCW 36.80.030 that the county engineer shall have supervision, under the direction of the county legislative authority, of maintaining all county roads of the county. The purpose of maintenance management is to recognize that the majority of road maintenance activities can be planned, scheduled and accomplished in a predetermined manner which will result in improved economics of operation, public safety and welfare, and preservation of investment of county roads: Provided, however, that maintenance management shall not be mandatory and shall not be considered in the issuance of certificates of good practice.

WAC 136-11-020 Goal.
This chapter is intended to encourage each county engineer to apply basic management principles to road maintenance activities and to set forth specific goals and objectives relative to the results to be achieved.

WAC 136-11-030 Objectives.
For the guidance and information of the county engineer developing a maintenance management program the following objectives merit serious consideration:

(1) To provide, annually, opportunities for key personnel to receive initial training or refresher training in the principles of maintenance management.
(2) To develop countywide maintenance standards or levels of service for each major maintenance activity.
(3) To develop standards of performance for individuals and work crews setting forth both the quality and quantity of results anticipated.
(4) To prepare an annual maintenance program for adoption coincident with the annual budget and construction program which is to identify resource requirements in terms of staff resources, equipment and materials, and the cost of each.
(5) To schedule, on an annual basis, major maintenance activities based on available budgeted maintenance funds so as to achieve an optimum balance of resources in the available time.
(6) To develop, and annually update, a long range equipment replacement program encompassing all major road department equipment so as to meet the equipment demands of the maintenance program.
(7) To establish an information reporting system capable of compiling data needed to allow comparison of actual performance with established performance standards and budgetary constraints.
(8) To discuss, at least biennially, with appropriate supervisory personnel the data regarding utilization of staff resources, equipment and materials so as to assure the lowest attainable unit cost for each maintenance activity.
(9) To provide adequate information to all maintenance personnel regarding goals and objectives of the county's maintenance management program.
(10) To explore and evaluate new techniques, products, equipment and ideas which show promise of significantly improving performance or decreasing cost in any segment of the maintenance management effort.

2.B. STANDARDS OF GOOD PRACTICE

CHAPTER NUMBER	TITLE	ORIGINAL ADOPTION	LAST REVISION	REVISION NUMBER
12	Standards of Good Practice – Vacancy in Position of County Road Engineer	2/9/1971	10/29/1998	6
14	Standards of Good Practice – Priority Programming Procedures	2/9/1971	10/29/1998	5
15	Standards of Good Practice – Procedures for Preparation of Six-Year Transportation Programs	7/22/1988	10/29/1998	3
16	Standards of Good Practice – Annual Road Program, Construction Report, and Day Labor Limits	12/1/1967	10/29/1998	9
18	Standards of Good Practice – Day labor Construction	1/9/1976	10/29/1998	5
20	Standards of Good Practice – Inspection of Bridges on County Roads	10/1/1969	10/29/1998	7
28	Standards of Good Practice – Cooperative Procedures for Processing of County Road Accident Reports	12/1/1967	10/29/1998	3
40	Standards of Good Practice – Accommodation of Utilities on County Road Right of Way	10/5/1990	10/29/1998	4
60	Standards of Good Practice – Maintenance of County Road Log	11/12/1986	10/29/1998	2
70	Standards of Good Practice – Pavement Management System Requirement for County Arterial Preservation Program Eligibility	10/29/1998	10/29/1998	0

STANDARDS OF GOOD PRACTICE – VACANCY IN POSITION OF COUNTY ENGINEER

WAC 136 CHAPTER 12

WAC 136-12-010 Purpose and authority.
The laws of the state of Washington make detailed provisions in chapter 36.80 RCW, for the employment of a county engineer in each county. This chapter specifies that he/she shall be employed full time; Provided, that in counties with a population of less than eight thousand he/she may be employed on a part-time basis and may be the county engineer of another county; that he/she shall be a registered and licensed professional civil engineer under the laws of this state; that he/she shall have supervision, under the direction of the county legislative authority, of all activities related to the county roads of the county, including maintenance; that he/she shall certify to the county legislative authority all bills with respect to county roads; that he/she shall keep complete public records of all road department activities; that he/she shall prepare plans and specifications for all construction work on the county road system. Since it is unavoidable that vacancies will occur from time to time in the position of county engineer, the following rule has been formulated to cover an interim period.

WAC 136-12-020 Procedure during vacancy.
When a vacancy occurs in the office of county engineer due to resignation, retirement, death or for any other reasons, the county legislative authority shall take immediate steps to find a replacement, either by promotion from within the organization if a competent and eligible person is available, or by advertisement for, and interview of qualified applicants. The county legislative authority or county executive shall immediately notify the county road administration board of the vacancy, and of the procedure to be followed during the period of vacancy.

WAC 136-12-030 Acting county engineer.
If for any reason, it is impossible to employ a new county engineer immediately, the county legislative authority shall designate, by resolution, an acting county engineer for an interim period, not to exceed six months, except as provided in WAC 136-12-060. A copy of such resolution shall be forwarded to the county road administration board.

If the acting county engineer is not a licensed professional civil engineer, the legislative authority shall designate a licensed professional civil engineer to perform all engineering services during the interim period as required by chapter 18.43 RCW, and the acting county engineer shall perform only those functions of the office not requiring a professional civil engineer's license.

WAC 136-12-060 Failure to comply with ruling.
When the county legislative authority has made final arrangements for the employment of a new county engineer meeting the requirements of chapter 36.80 RCW the county road administration board shall be notified accordingly. If no such notification is received within six months of the beginning of the vacancy, the matter of the vacancy will be considered at the next regular meeting of the county road administration board. The county road administration board may require that all day labor construction projects be shut down and/or that all distribution of gas tax funds to the county cease: *Provided however,* that it may continue to grant reasonable extensions in the event the affected county can give adequate proof or demonstrate at the next regularly scheduled board meeting that a diligent effort has been made to secure the services of a qualified engineer.

WAC 136-12-070 County engineer in counties with a population of less than eight thousand.

When the county legislative authority of a county with a population of less than eight thousand chooses to employ a county engineer on a part-time basis the terms of such employment shall be set forth in a contract adopted by resolution of the legislative authority. Such contract shall specify, but need not be limited to: Statement of legal responsibility, salary or wage arrangements, meetings with the legislative authority, travel expenses and relationship with regular employees. A copy of such resolution and contract shall be forwarded to the office of the county road administration board.

When the legislative authority chooses to contract with another county for services such contract shall be approved by resolution of both legislative authorities. Such contract shall specify, but need not be limited to: Statement of legal responsibility, salary or wage arrangements, meetings with the legislative authority, travel expenses and relationship with regular employees. A copy of the contract and both resolutions shall be forwarded to the office of the county road administration board. Any such contract shall be in accordance with the procedures of the Interlocal Cooperation Act, chapter 39.34 RCW.

WAC 136-12-080 Assistant county engineer in counties with a population of less than eight thousand.
When a legislative authority of a county with a population of less than eight thousand chooses to employ a licensed professional civil engineer on a part-time basis or contract with another county for the services of its licensed professional civil engineer, it shall designate by resolution a full time employee as assistant county engineer. In such cases, the designated assistant county engineer shall perform the day to day supervision of the road department under the county engineer in accordance with policies established by the legislative authority.

STANDARDS OF GOOD PRACTICE – PRIORITY PROGRAMMING PROCEDURES

WAC 136 CHAPTER 14

WAC 136-14-010 Purpose and authority.
The requirement to develop and adopt both long range and short range programs as a prerequisite to road construction is established in RCW 36.81.121 and 36.81.130. Numerous studies have shown that road construction needs far exceed available revenue. Priority programming is the development and application of techniques designed to rank any array of potential projects in order of importance to serve as a guide in assisting a county legislative authority in the formulation of road programs and distribution of limited resources. Priority programming procedures for counties must be adaptable to a wide variety of situations.

WAC 136-14-020 Application.
Priority programming techniques shall be applied in the ranking of all potential projects on the arterial road system of each county. They may be applied to all arterial projects combined in a single group, or may be applied to individual functional classes of arterial and further subdivided into rural and urban systems if desired. Priority programming will not be required, but is recommended, for the local access road system.

WAC 136-14-030 Process.
Each county engineer will be required to develop a priority programming process tailored to meet the overall roadway system development policy determined by his or her county legislative authority. Items to be included and considered in the technique for roads shall include, but need not be limited to the following:

(1) Traffic volumes;
(2) Roadway condition;
(3) Geometrics;
(4) Safety and accident history; and
(5) Matters of significant local importance.

The manner in which these various items are treated may vary from county to county.

Bridge priorities shall be established in accordance with WAC 136-20-060. Accident records may be considered where their use will make a legitimate contribution.

A description of the priority programming technique to be used shall be submitted by each county engineer to the county road administration board. The county road administration board, upon request, will provide assistance to counties in the development, evaluation or modification of their priority programming processes in order to meet the requirements of this rule.

WAC 136-14-040 Application of process.
The priority programming process for roads shall be applied by the county engineer to all potential arterial projects in the county, and to local access road projects if directed by the legislative authority. The resulting priority array shall be updated not later that June 1st of each odd-numbered year and shall be consulted together with bridge priorities by the county legislative authority and county engineer during the preparation of the proposed six-year transportation program as described in chapter 136-15 WAC.

WAC 136-14-050 Certification.
In order to assure that priority arrays were available and were consulted during the preparation of the proposed six-year transportation program each year, the resolution of adoption of such program by each legislative authority shall include assurances to this effect. A copy of the adopting resolution shall be forwarded to the county road administration board together with the six-year transportation program.

WAC 136-14-060 Inventory records.
Each priority programming process will be based, at least in part on existing road conditions. It is required, therefore, that in each county an adequate road inventory system be maintained. The inventory system shall be updated no later than May 1st of each year to reflect work done and improvements made during the previous year in accordance with requirements of chapter 136-60 WAC.

PROCEDURES FOR PREPARATION OF SIX-YEAR TRANSPORTATION PROGRAMS

WAC 136 CHAPTER 15

WAC 136-15-010 Purpose and authority.
RCW 36.81.121 requires the preparation and annual updating of a six-year comprehensive transportation program. The program shall be adopted by the county legislative authority at any time before adoption of the annual budget and shall include all anticipated road and bridge construction projects, capital ferry expenditures, paths and trails projects and any other specified capital outlays for the following six-year period. The purpose of this chapter is to implement these statutory requirements with assurance that the program is based on a realistic assessment of available funding during the program period.

WAC 136-15-020 Contents of six-year program.
Each adopted program shall designate the six-year time period included, the name of the county, the county number as assigned by the state office of financial management, the date(s) of the public hearing held to provide public input to the program, the date of the adoption by the legislative authority and the adopting resolution number. The adopted program for submittal to the county road administration board shall consist of two parts:

(1) A road fund revenue and expenditure analysis for the six-year time period; and
(2) A program listing of specific projects.

WAC 136-15-030 Road fund revenue and expenditure analysis.
The road fund revenue and expenditure analysis shall include the county's best estimates of future road fund revenues and expenditures over each year of the six-year program period.

The anticipated revenues should include a line item for motor vehicle fuel tax, the road levy after diversion, federal transportation program grants (by program), TIB funds, RATA funds, RID funds, public works trust fund loans, state forest funds, federal forest funds, and other miscellaneous revenues.

The anticipated road fund expenditures should include line items for administration, maintenance, facilities, transfers and loan repayments, reimbursable work and miscellaneous expenditures and shall show by subtraction the amount available for construction during each year of the program period.

WAC 136-15-040 Program listings of specific projects.
This listing shall include projects having an estimated cost approximately equal to the anticipated revenues for projects during the program period, clearly identifying those projects (1) for which funding is reasonably assured; (2) for which funds are not specifically assured but are within expected levels of existing programs for the applicable year; and (3), if desired, those which are unfunded within currently anticipated resources. Because of the possibility of unforeseen future circumstances at the time of approval of the six-year program, the above construction funding classification for any project shall not be considered final, but only an indication of the relative certainty of the various proposed projects.

It is recommended that provision be made in the program for one or more generic projects each year for improvements such as miscellaneous safety projects, new culvert and small bridge construction and other minor improvements.

WAC 136-15-045 RAP projects in the six-year program.
Each county's six-year transportation program in each even-numbered year shall include all projects for which the county may request RATA funds during the succeeding biennium. Project cost estimates for prospective RAP projects shall be considered preliminary and subject to revision until a project application is submitted.

WAC 136-15-050 Adoption and submittal of six-year program.
A six-year program shall be adopted by resolution of the county legislative authority after appropriate public hearing at any time before adoption of the annual budget. The resolution of adoption shall include reference to availability of:

(1) A priority array as required by WAC 136-14-050;
(2) An engineer's bridge condition report as required by WAC 136-20-060, and,
(3) The multiyear financing plan of the transportation element of the county's comprehensive plan if required by chapter 36.70A RCW.

Within 30 days of adoption, the county legislative authority shall submit the six-year program to the county road administration board.

WAC 136-15-060 Conflicts with WSDOT and TIB authority.
Nothing in this rule shall eliminate or modify any requirements or procedures or authorities of either the Washington state department of transportation or the transportation improvement board as codified in the Revised Code of Washington or as adopted in the Washington Administrative Code.

STANDARDS OF GOOD PRACTICE – ANNUAL ROAD PROGRAM, CONSTRUCTION REPORT, AND DAY LABOR LIMITS

WAC 136 CHAPTER 16

WAC 136-16-010 Purpose and authority.
As provided for in RCW 36.81.130, the county engineer shall submit a recommended annual road program, hereinafter referred to as the annual program, to the county legislative authority on or before the first Monday in October. The annual road program shall include recommendations for all road and bridge construction projects and all road equipment purchases for the ensuing year. The county legislative authority shall consider the recommended program and make any revisions deemed necessary.

WAC 136-16-018 Adoption of annual program.
The county legislative authority shall adopt a final annual program at any time prior to the adoption of the budget.

WAC 136-16-020 Contents of annual program.
The adopted annual program shall include, but not be limited to: (1) A line item for estimated preliminary engineering costs; (2) A line item for estimated right of way acquisition costs; and (3) A listing of all proposed construction projects for the year including a brief description of the work, the name, number and functional classification of the road, an estimate of the total cost of each project, including construction engineering but excluding preliminary engineering and right of way acquisition, and a notation as to whether construction work on each project is to be done by contract or day labor or both. When a project involves both contract and day labor work the estimate shall be divided to show the estimated cost of each type of work. The sum of all construction costs shall be approximately equal to the amount included in the road fund construction budget for construction work. All construction projects shall be shown, regardless of funding source, including all projects previously authorized and under way on which expenditures are anticipated during the program year. Projects previously authorized on which construction work is contemplated within the program year shall also be listed showing the estimated costs of work during the program year. In all cases, the total amount of proposed day labor construction costs, including construction administration and engineering, shall not exceed the day labor limit as computed in WAC 136-16-022.

WAC 136-16-022 Day labor limit.
The statutory day labor limit shall be computed in accordance with RCW 36.77.065 in the following manner:

(1) When the total annual county road construction budget is four million dollars or more, the day labor limit is eight hundred thousand dollars or fifteen percent of the total annual county road construction budget, whichever is greater.

(2) When the total annual county road construction budget is in excess of one million five hundred thousand dollars and less than four million dollars, the day labor limit is five hundred twenty-five thousand dollars or twenty percent of the total annual county road construction budget, whichever is greater.

(3) When the total annual county road construction budget is in excess of five hundred thousand dollars and less than one million five hundred thousand dollars, the day labor limit is two hundred and fifty thousand dollars or thirty-five percent of the total annual county road construction budget, whichever is greater.

(4) When the total annual county road construction budget is less than five hundred thousand dollars, the day labor limit shall be two hundred and fifty thousand dollars,

unless the county legislative authority, by resolution, elects the alternate procedure set forth in RCW 36.77.065. When such alternate procedure is chosen, an individual project limit of thirty-five thousand dollars shall apply, and each project shall be administered in accordance with chapter 136-18 WAC.

Determination by the county road administration board that a violation of RCW 36.77.065 has occurred shall 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.

WAC 136-16-025 Miscellaneous and alternate projects.
The adopted program may include an item for miscellaneous unspecified projects in a dollar amount not to exceed ten percent of the total. The adopted program may also include a separate section for alternate projects which shall be listed in the same manner as required for regular program projects. No construction work shall be done on any alternate project until it has been authorized by resolution. Said resolution shall clearly identify the project as an alternate project, and shall specify which project or projects are being deferred or deleted in order that adequate funding be available for the alternate.

WAC 136-16-030 Requirements of listing equipment.
The annual program shall also include a list of all major road equipment purchases and repairs contemplated for the year, together with the estimated costs thereof. The total estimated cost of all equipment listed shall be approximately equal to the amount budgeted for equipment purchase in the annual equipment rental and revolving fund budget. The equipment list may include an item for miscellaneous minor equipment in any amount up to ten percent of the estimated total cost. The list may also include a list of alternate or additional items of equipment totaling up to fifteen percent of the basic list cost to allow for unforeseen conditions.

WAC 136-16-035 Requirements of listing maintenance and special maintenance.
In accordance with RCW 36.81.130, the annual program shall also include the amounts to be expended for maintenance and special maintenance but details of these proposed expenditures shall not be made.

WAC 136-16-040 Forwarding of program.
A copy of the adopted annual program and appropriate resolution shall be forwarded to the county road administration board within thirty days of its adoption but not later than December 31st of each year.

WAC 136-16-042 Modification of program.
The adopted annual program may not be changed, revised or increased except by unanimous vote of the members of the legislative authority who are present when the vote is taken. Such modifications shall be by resolution of the legislative authority and shall list each changed, revised or added project. A copy of such resolution shall be forwarded to the county road administration board within thirty days of its adoption.

WAC 136-16-050 Annual Construction Report.
At any time prior to April 1st of the year following the annual program year, the county engineer shall submit an annual construction report to the county road administration board in accordance with forms and instructions provided by the county road administration board. The construction report shall show actual expenditures for all construction work including construction administration and engineering done during the previous budget year. Upon receipt of each county's annual construction report, the day labor limit as described in WAC 136-16-022 will again be calculated based upon the actual accomplishments as set forth in the annual construction report. A county which exceeds the day labor limit as computed as part of the annual program or as computed as part of the annual construction report shall be in violation of this standard of good practice.

STANDARDS OF GOOD PRACTICE – DAY LABOR CONSTRUCTION

WAC 136 CHAPTER 18

WAC 136-18-010 Purpose and authority.
Chapter 36.77 RCW provides for the construction and improvement of county roads by contract, by day labor or by a combination of day labor and contract. The purpose of this standard of good practice is to assure that all day labor construction work is accomplished within statutory limitations.

WAC 136-18-020 Definitions.
For purposes of implementing statutory requirements relative to day labor construction work, the following definitions shall apply:

(1) Construction – the building of a new road facility or improvement of an existing facility to a higher geometric or structural standard.
(2) Day labor construction – construction work performed by personnel carried on the county payroll using county-owned, leased or rented equipment.
(3) Authorization date – the date that construction is authorized.
(4) Start of construction – the date that construction work commences.
(5) End of construction – the date that construction work is completed.
(6) Completion date – the date on which a county road project is closed in the accounting records.
(7) Estimated construction costs – the county engineer's estimate of the cost of contemplated construction work, not including preliminary engineering and right of way acquisition costs.
(8) Estimated project costs – the county engineer's estimate of the cost of engineering, right of way acquisition, and construction costs.
(9) True and complete construction costs – the accounting record of all construction costs attributed to a county road project from the authorization date to the completion date.
(10) True and complete project costs – the accounting record of all engineering, right of way acquisition, and construction costs attributed to a county road project from the authorization date to the completion date.
(11) Day labor county road project – day labor construction authorized by action of the county legislative authority in those counties where a cumulative dollar limit applies to all day labor construction.
(12) Special day labor county road project – day labor construction which will result in a facility with independent utility, authorized by action of the county legislative authority in those counties where the total construction budget is less than five hundred thousand dollars and the legislative authority has by resolution elected to perform day labor construction in an amount not to exceed thirty-five thousand dollars including labor, equipment and materials on any one project.

WAC 136-18-030 Authorization of day labor projects.
Every proposed day labor county road project and special day labor county road project shall be a part of the county's annual construction program as defined in RCW 36.81.130 and WAC 136-16-020. Additions to the program, and/or substitutions in the program, may be made by unanimous action of the county legislative authority at any time as provided in RCW 36.81.130. No construction work shall be done on any project until it has been authorized by resolution of said authority. The resolution shall include:

(1) A brief description of the project;

(2) A vicinity map showing the location of the project and its limits, provided that in lieu of individual vicinity maps, a single vicinity map showing the location of all projects may be included with the resolution adopting the annual program;
(3) Identification of the project in terms of the officially adopted annual program;
(4) The county engineer's estimate of construction costs prepared pursuant to the completion of such preliminary engineering; and
(5) Construction plans as shall be necessary and sufficient.

WAC 136-18-035 Special day labor limit for electrical and traffic control projects.
Projects that consist of electrical and traffic control work are subject to the specific day labor limits as set forth in RCW 36.77.065.

WAC 136-18-060 Day labor project records.
All day labor and special day labor project cost records shall be kept in the manner prescribed by the BARS manual. Records of quantities shall be kept in a manner consistent with original project estimates. The project records shall contain, but shall not be limited to, the following:
(1) Dated authorizing resolution;
(2) Vicinity map showing project location and limits;
(3) County engineer's estimate;
(4) Affidavit of preconstruction publication required by RCW 36.77.070;
(5) Documentation of start and end of construction dates;
(6) Affidavits of post-construction publication showing true and complete project cost as required by RCW 36.77.070.

WAC 136-18-064 Preconstruction publication requirements.
The preconstruction publication required by RCW 36.77.070 may be made at any time subsequent to the adoption of the annual road construction program by the county legislative authority, but no later than the commencement of day labor on the project or projects. The publication shall include a brief description of each project and the county engineer's estimate of each project cost showing right of way acquisition, preliminary engineering, contract work (if any) and work by day labor.

WAC 136-18-070 Special day labor project reporting to the county road administration board.
Each county engineer shall submit to the county road administration board a copy of each resolution authorizing a special day labor county road project whose estimated construction cost exceeds seventy-five percent of the day labor limit. Upon completion of each of these projects, or no later than March 1st of the succeeding year, the county engineer shall furnish to the county road administration board a copy of the record of true and complete construction costs. On any project where true and complete construction costs have exceeded the statutory day labor limit, the county engineer shall also provide to the county road administration board an explanation of the circumstances resulting in such over-expenditure.

WAC 136-18-080 Review of day labor compliance by the county road administration board.
The executive director of the county road administration board shall have authority to investigate cases of apparent violations of day labor limits and, for special day labor projects, prepare a listing of all such projects for which actual expenditures have exceeded the statutory day labor limit during the previous calendar year for review by the county road administration board at its second regular meeting of each calendar year.

WAC 136-18-090 Action on day labor compliance by the county road administration board.
Determination by the county road administration board that a violation of RCW 36.77.065 has occurred shall 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.

STANDARDS OF GOOD PRACTICE – INSPECTION OF BRIDGES ON COUNTY ROADS

WAC 136 CHAPTER 20

WAC 136-20-010 Purpose and authority.
Bridges of many kinds are an integral part of every county road system. The safety and adequacy of these bridges is of vital importance to the traveling public. A program of regular periodic inspection and reporting is necessary to fully inform each county legislative authority regarding the condition and adequacy of all bridges. 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.

WAC 136-20-020 Inventory.
Each county engineer shall have available in his or her office a complete inventory of all bridges on the county road system. The inventory shall list the location of each bridge by the state road log number and appropriate mile point, and shall include such other information as the engineer deems necessary. In addition, all data required for the state of Washington inventory of bridges and structures (SWIBS) data base system as maintained by the Washington state department of transportation (WSDOT) shall be submitted to the WSDOT TransAid Service Center bridge engineer on appropriate media furnished or otherwise approved by the WSDOT.

WAC 136-20-030 Inspection.
Each county engineer shall be responsible for all routine and special inspections of all bridges on the county road system in accordance with the National Bridge Inspection Standards (NBIS) as promulgated and periodically revised by the WSDOT TransAid Service Center office. The county engineer shall note the date of all inspections and any changes since the previous inspection on the SWIBS form and submit all such forms to the WSDOT TransAid Service Center bridge engineer within ninety days of each inspection.

WAC 136-20-040 Certification.
Prior to April 1st of each calendar year, WSDOT assistant secretary for the TransAid Service Center will provide the following to the county road administration board:

(1) A listing on a county-by-county basis of all county bridges which have not had a regular SWIBS inspection report submitted within the previous thirty months; and
(2) A listing on a county-by-county basis of all county bridges which have not had a required special inspection report submitted within six months after the required inspection date; and
(3) A listing of all counties which are not in compliance with the requirements of the National Bridge Inspection Standards and the status of efforts toward achieving such compliance.

Any county which is not in compliance with the NBIS or has a bridge or bridges on any of the above listings shall be assumed to be not in compliance with bridge inspection procedures.

WAC 136-20-050 Failure to comply.
Failure of a county to be shown in compliance with required bridge inspection procedures may be cause for the county road administration board to withhold a certificate of good practice on behalf of that county in accordance with the procedures of chapter 136-04 WAC.

WAC 136-20-060 Engineer's report.

Each county engineer shall furnish the county legislative authority with a written resume of the findings of the bridge inspection effort. This resume shall be made available to said authority and shall be consulted during the preparation of the proposed six-year transportation program revision. The resume shall include the county engineer's recommendation as to replacement, repair or load restriction for each deficient bridge. The resolution of adoption of the six-year transportation program shall include assurances to the effect that the county engineer's report with respect to deficient bridges was available to said authority during the preparation of the program.

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

WAC 136 CHAPTER 28

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 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 Safety Bureau of Accident Statistics in each state, the county road administration board has acted to coordinate the activities of the county engineers and the state patrol. Each county engineer is to cooperate in this effort by following the procedure outlined below.

WAC 136-28-020 Procedure.
The state patrol collects accident reports from all law enforcement agencies and receives accident reports from individual drivers. Periodically, the state patrol will send or deliver to the county engineer's office in each county reports concerning accidents occurring on county roads in that county.

The county engineer will analyze each report and indicate within the appropriate spaces on the report the county number, the county road number, the milepoint and, if applicable, the road number of the intersecting county road at which the accident occurred. The county engineer shall also indicate in the appropriate space as to whether the location is rural or urban.

The coded reports will be returned to the records section of the state patrol within two weeks of receipt.

Should the county engineer determine any accident report location is not on a road contained within the latest county road log, he/she shall return the accident report, uncoded, with a transmittal letter indicating to the best of his/her knowledge the appropriate jurisdiction such as private road, state highway, city street, other state agency, federal agency, etc.

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 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.

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

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

(5) To ensure uniformity, accidents 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) Accidents 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.

STANDARDS OF GOOD PRACTICE – ACCOMMODATION OF UTILITIES ON COUNTY ROAD RIGHT OF WAY

WAC 136 CHAPTER 40

WAC 136-40-010 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. The purpose of this standard of good practice is to set forth the requirement that each county provide for the accommodation of utilities within its right of way. In order to effectively administer its authority to:

(1) Grant utility franchises and permits on county roads as provided in chapter 36.55 RCW;
(2) Exercise overall responsibility for county roads and bridges as provided in chapter 36.75 RCW; and
(3) Exercise its police power;

Each county legislative authority shall adopt a generally applicable written policy ("utility policy") to provide administrative, procedural, and technical guidance for the installation, replacement, adjustment, relocation, and maintenance of all above and below ground utilities and other transmission or transport facilities located within all county road rights of way.

WAC 136-40-020 Contents.
Each utility policy shall, at a minimum:

(1) Address all public and private utilities and other transmission or transport facilities which are installed, replaced, adjusted, relocated and/or maintained within the county road right of way pursuant to franchises, permits, and/or exemptions from the permit process including but not limited to electric power, telephone, television, telegraph, communication, water, gas, all petroleum products, steam, chemicals, sewage, drainage, and irrigation;
(2) Include general standards and requirements for the location, design, and construction of each utility;
(3) Incorporate a written permit process for all utility work not exempted by the provisions of the utility policy, and specify exemptions from such permit process, if any;
(4) Include specific requirements for underground utilities which shall include location and alignment, depth of burial and cover, encasement, marking, appurtenances and related installation procedures;
(5) Include specific requirements for above ground utilities which shall include location and alignment and vertical clearances;
(6) Include specific requirements for all utilities which shall include aesthetic/scenic considerations, installations on roadway bridges and structures, site restoration and cleanup, traffic control and public safety, and both normal and emergency repairs;

The county road administration board shall, upon request, provide any county a copy of a model utility policy. The model utility policy will meet the minimum requirements of this chapter and may be amended as necessary to meet the specific needs of a county.

WAC 136-40-030 Adoption and submittal.
Each county legislative authority shall formally adopt a utility policy regarding accommodation of utilities on county road rights of way that includes all the requirements enumerated in WAC 136-40-020. A copy of such utility policy, including all updates, amendments and modifications as they may from time to time become necessary, shall be forwarded to the county road administration board within thirty days of adoption.

WAC 136-40-040 Conflicts with state and federal requirements.

(1) Nothing in this section shall eliminate or modify any requirements, procedures, or authorities of the Washington state department of transportation, the Washington utilities and transportation commission, the Federal Highway Administration or any other state or federal agency.

STANDARDS OF GOOD PRACTICE – MAINTENANCE OF COUNTY ROAD LOG

WAC 136 CHAPTER 60

WAC 136-60-010 Purpose and authority.
RCW 46.68.124(2) provides that the county road administration board shall maintain the county road log for the purpose of computing estimated county road replacement costs and estimated annual maintenance costs for county fuel tax allocations. It further provides that each county shall submit changes, corrections and deletions (i.e., "updates") to the county road administration board which in turn are subject to validation prior to inclusion in the road log maintained by the county road administration board. This chapter describes the manner in which the county road administration board will administer this responsibility.

WAC 136-60-020 Definitions.
For purposes of implementing procedures for updating, validating and maintaining the county road log, the following definitions shall apply:

(1) County road log – the listing, by county, of all roads under county jurisdiction including their description, length, milepost identification, functional class, surface type, traffic volume, and other administrative and physical inventory items that may be included.

(2) Computer data base (CDB) – the computer data base software by which the county road log data is updated and maintained by all counties and the county road administration board.

(3) Updates – periodic changes to the county road log involving any or all of the included data elements.

(4) Control fields – those fields within the county road log for which all updates need to be verified by the county road administration board prior to inclusion in the master county road log. Control fields are only those utilized for the computation of gas tax allocations in accordance with RCW 46.68.124.

(5) Master county road log – the combination of all county road logs as kept by the county road administration board containing all updates (including validation of control fields) as of July 1st of each year.

WAC 136-60-030 Submittal of annual updates.
Each county shall be responsible for maintaining current information regarding its road log and, no later than May 1st of each year, shall submit an updated road log for its complete road system with all data elements as of December 31st of the preceding year. This annual update must be on computer-readable medium and written in the computer data base program format as prescribed by the county road administration board. All updates involving changes in control fields must include supporting documentation as required in WAC 136-60-050.

WAC 136-60-040 Validation of annual updates.
All control field updates will be subject to review, approval and acceptance (i.e., "validation") by the county road administration board. This process will involve reviewing the submitted documentation and conducting spot-checks as may be necessary. All such updates which are reviewed, approved and accepted by July 1st of each year will be entered into the master county road log. Noncontrol field updates will be entered into the master county road log file without review. The master county road log as of July 1st of each year will be utilized by the county road administration board for general informational purposes and, on each odd-numbered year, for computation of motor vehicle fuel tax allocations to the counties.

WAC 136-60-050 Validation requirements for control fields.
Each update of a road log segment that involves a change in a control field (including additions or deletions of road segments) will be validated by the county road administration board. Documentation necessary to support control field changes is as follows:

Functional class – notice of FHWA approval from WSDOT.

Pavement type – statement signed by county engineer with list of pavement type changes. A suitable scale map showing the limits of the change(s) must also be included.

Responsible agency – see requirements under "Addition of mileage" and "Deletion of mileage".

Addition of mileage – statement signed by county engineer describing the circumstances of the addition. For example, additions can occur through commissioner approval of new plat, construction/reconstruction on new alignment, or a change in jurisdiction. Appropriate map(s) showing the changes must also be included.

Deletion of mileage – statement signed by county engineer describing the circumstances of the deletion. For example, deletions can occur through vacations or a change in jurisdiction. Appropriate map(s) showing the changes must also be included.

Traffic volume – statement signed by county engineer with list of segments affected by change in traffic volume. A statement is required **only** if it involves road segments with urban classification and with an ACP or PCC surface type and it involves a volume change crossing the 5000 ADT value.

All maps furnished in support of control field changes will be forwarded by the county road administration board to WSDOT for future map base updates.

WAC 136-60-060 Utilization of common computer data base.
Each county shall utilize a common computer data base for the maintenance and updating of its county road log. This data base shall be prescribed by the county road administration board and each county shall be responsible for the purchase and installation of the requisite software on its own DOS-compatible microcomputer.

STANDARDS OF GOOD PRACTICE – PAVEMENT MANAGEMENT SYSTEM REQUIREMENT FOR COUNTY ARTERIAL PRESERVATION PROGRAM ELIGIBILITY

WAC 136 CHAPTER 70

WAC 136-70-010 Purpose and authority.
RCW 46.68.095 authorizes the county road administration board to adopt rules for administering the county arterial preservation account, including the requirement that each county implement a pavement management system. This chapter outlines the method by which the use of a pavement management system will be assured.

WAC 136-70-020 Definition.
A pavement management system (PMS) is a systematic method used to manage the preservation, rehabilitation, and maintenance of paved road systems by analyzing pavement life cycles, to assess overall system performance and costs, and to determine the alternative strategies and costs necessary to prevent significant road deterioration. A key element of a PMS is its ability to provide pavement preservation alternatives based upon a predictive pavement deterioration model.

WAC 136-70-030 Application.
A pavement management system shall be used by all counties to guide the pavement preservation and rehabilitation activities on all county paved arterial roads. Beginning January 1, 1996, each county shall utilize a computer-based PMS meeting the requirements of WAC 136-70-040 on all county paved arterial roads in order to retain eligibility for CAPP funds. Application of the PMS to the local access system will not be required to retain eligibility for CAPP funds.

WAC 136-70-040 Pavement management system requirements.
Each county's PMS shall meet the following minimum standards:

(1) All county jurisdiction paved arterials, as defined by the most recently approved county road log as described in chapter 136-60 WAC, shall be surveyed for visual pavement distress at least biennially. Distress rating information must be keyed to the county road log by both road number and mileposts.

(2) All visual distresses (or defects) for both flexible and rigid pavements, both in severity and extent, shall be as defined within the *"Pavement Surface Condition Rating Manual"* (March 1992, produced by the Washington state transportation center in cooperation with the northwest pavement management systems users group and the Washington state department of transportation). Only those distresses noted as "Core Program Defect" are required to be surveyed. Measurement may be at the project, segment, or sample unit level. Measurement for each distress will be by one of the following:

(a) Selection of the most predominant severity and extent combination, or

(b) Determination of the extent percent of each level of severity.

Measurement may be by a manual or automated visual condition rating process. The distress information will be converted to a pavement condition rating in accordance with a standard deduct matrix or continuous deduct value curves as provided by the county road administration board. Alternate deduct matrices may be used by a county for internal management analyses. Alternate distress determination and evaluation methodologies may be used if approved by the county road administration board in accordance with WAC 136-70-050. The PMS shall provide for the recording and storage of pavement resurfacing, rehabilitation and reconstruction history data, including surfacing and base layer types and

thicknesses, and year of application. Counties will not be required to determine such information for any work done prior to the county's implementation date.

(3) The PMS shall include a future pavement condition prediction model that uses the periodic pavement condition distress data to forecast future pavement condition and to determine an estimate of service life.

(4) The PMS shall provide for annual downloading to the county road administration board of one of the following for all paved arterials surveyed for pavement condition in the previous twelve months:

(a) The individual pavement distresses,

(b) The resultant pavement condition rating based on the standard deduct matrix provided by the county road administration board, or

(c) The resultant pavement condition rating for an approved alternative PMS as described in WAC 136-70-050.

Such downloading shall be called the pavement condition data file. It shall be keyed to the county road log, and shall be transmitted in the electronic medium and format specified by the county road administration board, along with the annual road log update required by chapter 136-60 WAC.

WAC 136-70-050 Alternative pavement management system requirements.
Alternative PMS distress determination and evaluation methodologies, processes or systems may be used if they yield pavement condition ratings comparable to the process described in WAC 136-70-040(2). Counties intending to use an alternative process must satisfactorily demonstrate to the county road administration board that the alternative process is based on sound pavement engineering principles and is comparable in quality and scale thorough research results, documented conversion equations, statistical sampling, or other methods.

WAC 136-70-060 Statewide pavement condition data file.
The county road administration board shall maintain a pavement condition data file, organized by county, containing the pavement condition ratings as provided annually by each county.

WAC 136-70-070 Annual review.
On an annual basis, beginning in calendar year 1993, the executive director of the county road administration board shall review the implementation of and, beginning in calendar year 1995, the compliance with, the requirements of WAC 136-70-040 and report the results to the county road administration board.

WAC 136-70-080 County road administration board assistance.
To enable each county to meet its eligibility requirements, the county road administration board shall provide a PMS software, application and training as part of its agency-supported county road information system. The county road administration board shall also provide to counties, upon request, administrative and technical assistance related to defining, developing, operating, managing and utilizing pavement management technology.

WAC 136-70-090 Use of pavement management system data for distribution of county arterial preservation account funds.
The results and/or data from the individual or collective county pavement management systems will not be used to distribute CAPA funds nor to establish priorities for specific projects or otherwise alter the statutory fund distribution. Said results and/or data will be used to evaluate regional or statewide arterial preservation and rehabilitation needs and to demonstrate compliance with the enabling legislation.

2.C. RAP RULES

CHAPTER NUMBER	TITLE	ORIGINAL ADOPTION	LAST REVISION	REVISION NUMBER
100	Administration of the Rural Arterial Program	6/28/1984	10/29/1998	2
130	Regional Prioritization of RAP Projects	6/28/1984	4/12/2001	13
150	Eligibility for Rural Arterial Trust Account Funds	6/28/1984	7/19/2002	6
161	Project Submittal, Selection, and Initial Allocation of RATA Funds to Projects	7/29/1994	1/11/2001	4
163	Allocation of RATA Funds to Emergent and Emergency Projects	7/12/1996	1/11/2001	2
165	Increased Allocations of RATA Funds to Projects	7/29/1994	10/29/1998	1
167	Withdrawals, Early Termination, and Lapsing of Approved Projects	7/29/1994	4/12/2001	3
170	Execution of a CRAB/County Contract for a RAP Project	6/28/1984	1/11/2001	3
180	Processing of RAP Vouchers	6/28/1984	10/29/1998	2
210	Design Standards for Rural Arterial Projects	6/28/1984	7/19/2001	5

ADMINISTRATION OF THE RURAL ARTERIAL PROGRAM

WAC 136 CHAPTER 100

WAC 136-100-010 Purpose and authority.
RCW 36.79.060 provides that the county road administration board shall administer the rural arterial program (RAP) established by chapter 36.79 RCW. This chapter describes the manner in which the county road administration board will implement the several provisions of chapter 36.79 RCW.

WAC 136-100-020 Adoption of rules.
The county road administration board shall adopt rules in accordance with the provisions of the statute for purposes of administering the RAP regarding the following:

(1) Apportionment of rural arterial trust account (RATA) funds to regions.
(2) RAP projects in the six-year program.
(3) Regional prioritization of RAP projects.
(4) Preparation of RAP budget and program.
(5) Eligibility for RATA funds.
(6) Allocation of RATA funds to approved RAP projects.
(7) CRAB/county contract.
(8) Processing of vouchers.
(9) Audit responsibilities.
(10) Functional classification.
(11) Design standards for RAP projects.
(12) Matching requirements.
(13) Joint county RAP/Rural UAB projects.
(14) Emergent projects.
(15) Reports to the legislature.
(16) Other matters deemed necessary by the county road administration board.

WAC 136-100-030 Rural arterials and collectors.
The statute specifies that rural arterials and collectors shall be eligible for RATA funding. In developing project priorities and in approving RAP projects the county road administration board shall prioritize all prospectus applications to determine the priority rating of each proposed project in each region in relation to all other proposed projects in each region.

WAC 136-100-035 Functional classification verification.
Each RAP project application submitted in accordance with WAC 136-161-020 shall show the functional classification of the road or roads included in the project. Prior to project approval, the county road administration board shall verify that the road on which the RAP project is requested is classified as a rural arterial or collector.

WAC 136-100-040 Delegation of authority.
In order to assure effective and timely administration of the RAP, the county road administration board may delegate authority in specific matters to its executive director. Delegation may be relative to signing of contracts, approval of RAP project vouchers, approval of change of scope of a project and other matters as may be determined by the county road administration board.

WAC 136-100-050 Apportionment of RATA funds to regions.

RCW 36.79.040 sets forth the apportionment formula to be used in distributing RATA funds to the five regions. Following are the computations used in the apportionment formula:

(1) Computation of land area ratio. The ratio that the total county rural land area of each region bears to the total rural land area of all counties of the state shall be computed from information provided by the office of financial management as of July 1, 1993, and each two years thereafter.

(2) Computation of road mileage ratio. The ratio that the mileage of county arterials and collectors in rural areas of each region bears to the total mileage of county arterials and collectors in all rural areas of the state shall be computed from information shown in the county road log maintained by the county road administration board as of July 1st of each odd-numbered year.

WAC 136-100-060 Provisions for audit of RAP projects.

(1) Audit provisions. RAP project audits may be conducted by the state auditor's office and will normally be conducted in conjunction with the audits of the different counties of the state as required by RCW 43.09.260 and 36.80.080. Special audits of specific RAP projects may be accomplished at the request of the county road administration board. If a special audit is conducted outside the confines of those audits required by the above statutes, then the costs of the special audit shall be the responsibility of the county road administration board.

(2) Scope of audits. The audit of any RAP project shall include but not be limited to the review of the county's compliance with

(a) The provisions of the act, and

(b) The rules in title 136 WAC regarding implementation and administration of the act, with detailed review of uses of county road taxes, application of RATA funds, and the various reporting requirements.

The audit shall also include a review of the financial accounting and reporting of those funds associated with and received for the RAP project.

(3) Noncompliance, questioned costs, and post-audit penalty. If the audit of a RAP project reveals any area of noncompliance and/or questioned costs, then such exceptions shall be subject to comment by the examiner within the audit report. In the event an exception has been noted within the audit report, it shall be the duty of the county road administration board to discuss and evaluate the noted discrepancy. Discrepancies may be cause for the county road administration board to order the payback of any RATA funds that have been expended on ineligible activities and/or withdrawal or denial of the certificate of good practice of the county in question as provided in chapter 136-04 WAC.

REGIONAL PRIORITIZATION OF RAP PROJECTS

WAC 136 CHAPTER 130

WAC 136-130-010 Purpose and authority.
RCW 36.79.080 sets forth the criteria that will be used in determining the priority of specific improvement projects. This chapter describes how each RAP region will rate and prioritize proposed projects.

WAC 136-130-020 Priorities by region.
The county road administration board has determined that the interests of the counties in the several regions will be best served by encouraging development of a distinct project priority rating system for each region. These rating systems, described in WAC 136-130-030, 136-130-040, 136-130-050, 136-130-060, and 136-130-070 shall be used in the prioritization of proposed projects requesting RATA funds submitted by counties in the respective regions.

WAC 136-130-030 Project prioritization in Puget Sound region (PSR).
Each county in the PSR may submit projects requesting RATA funds not to exceed 80% of the forecasted regional apportionment. Each project shall be rated in accordance with the PSR RAP rating procedures. The PSR funding period shall allot a minimum of 25% of the forecasted regional apportionment to projects on roads classified as major collectors (07) or minor collectors (08). PSR RAP rating points shall be assigned on the basis of twenty points for traffic volume, twenty-five points for accident history, fifteen points for structural condition, twenty-five points for geometric condition and fifteen points for special use and need. Prioritization of PSR projects shall be on the basis of total PSR RAP rating points shown on the project worksheet and the prospectus form of the project application.

WAC 136-130-040 Project prioritization in northwest region (NWR).
Each county in the NWR may submit projects requesting RATA funds not to exceed five hundred thousand dollars per project and fifty percent of the forecasted regional apportionment. No bridge replacement projects will be funded. Each project shall be rated in accordance with the NWR RAP rating procedures. NWR RAP rating points shall be assigned on the basis of forty points for structural condition, forty points for geometrics, ten points for traffic volume, ten points for traffic accidents, five points for any project on a major collector (07), and ten points for any project on a rural principal arterial (02) or a rural minor arterial (06). Prioritization of NWR projects shall be on the basis of total NWR RAP rating points shown on the project worksheet and the prospectus form of the project application.

WAC 136-130-050 Project prioritization in northeast region (NER).
Each county in the NER may submit projects requesting RATA funds not to exceed twenty-five percent of the forecasted NER biennial apportionment. Each project shall be rated in accordance with the NER RAP rating procedures. The NER biennial apportionment shall be divided into the following categories at the percentages shown, provided sufficient projects are submitted for prioritization in each category:

Category 1 – Ten percent for bridge projects where RATA funds are used as a match for federal bridge replacement funds;
Category 2 – Forty-five percent for reconstruction of rural collectors; and
Category 3 – Forty-five percent for resurfacing, restoration, rehabilitation (3R) type projects on rural collectors.

In the event that no projects or an insufficient number of projects are submitted in any of the above categories to utilize the RATA funds set aside for the category, all remaining funds in that category or categories shall be divided among the remaining categories as the county road administration

board deems appropriate. The intent is to divide all available funds into categories having a sufficient number of submitted projects to fully utilize the funds available at each allocation during the biennium.

Bridge projects may be submitted requesting RATA funds under one of the following conditions:

(1) Bridges must be approved for federal bridge replacement funding and RATA funds shall be used only as a match for such federal funding. Bridges will be ranked for RATA funding using the WSDOT priority list and may be added to the NER category 1 priority array at any time during the biennium upon approval of the bridge for federal bridge replacement funding.

(2) A stand-alone bridge project may be submitted as an ordinary RAP project provided that its priority rating has been computed by the bridge rating method in the NER RAP rating procedures. Such projects shall not be considered for funding from the bridge reserve described above.

(3) A RAP project may include a bridge when the cost of the bridge does not exceed twenty percent of the total project cost.

NER RAP rating points for reconstruction projects, 3R projects or non-federal bridge replacement projects shall be assigned on the basis of one hundred points for a condition rating and fifty points for a service rating. The priority rating equals the sum of two and one half times the product of the service rating to the 1.25 power and the common logarithm of the number obtained by dividing one hundred by the condition rating. A total of ten points representing local significance may be added to one project included in each county's biennial submittal. A total of up to ten points representing missing links definition may also be added to one project included in each county's biennial submittal. Prioritization of NER projects shall be on the basis of total NER RAP rating points shown on the appropriate project worksheet and the prospectus form of the project application.

WAC 136-130-060 Project prioritization in southeast region (SER).

Each county in the SER may submit projects requesting RATA funds not to exceed twice the per county limit of the forecasted SER biennial apportionment which is listed as follows:

Asotin County	ten percent
Benton County	fourteen percent
Columbia County	eleven percent
Franklin County	thirteen percent
Garfield County	ten percent
Kittitas County	thirteen percent
Klickitat County	fourteen percent
Walla Walla County	fourteen percent
Yakima County	twenty percent

Each project shall be rated in accordance with the SER RAP rating procedures. Ten percent of the forecasted SER biennial apportionment shall be reserved for bridge projects. Federally funded bridges for which counties are seeking matching funds shall receive first consideration for these funds, ranked against each other according to the WSDOT priority array. Bridges receiving federal funding may be added to this list at any time during the biennium. Stand-alone bridges may compete for funds in this reserve that remain after all bridges seeking match for federal funds have been funded. These bridges will be rated against each other according to their total points assigned from the RAP rating worksheets for the SER. Whatever part of the bridge reserve that is not allocated to bridge projects shall be available for allocation to other RAP projects.

SER RAP rating points shall be assigned on the basis of forty-five points for structural condition, thirty points for geometrics, twenty-two points for traffic volume, and five points for traffic accidents. A total of twenty points representing local significance may be added to one project in each county's biennial submittal. Prioritization of SER projects shall be on the basis of total SER

RAP rating points shown on the project worksheet and the prospectus form of the project application.

WAC 136-130-070 Project prioritization in southwest region (SWR).
Each county in the SWR may submit projects requesting RATA funds not to exceed thirty percent of the forecasted SWR biennial apportionment. No bridge replacement projects will be funded. Each project shall be rated in accordance with the SWR RAP rating procedures. SWR RAP rating points shall be assigned on the basis of fifty road condition points, consisting of twenty-five points for structural condition and twenty-five points for surface condition, fifty points for geometrics, ten points for traffic volume and ten points for traffic accidents, except that portland cement concrete surfaces and asphalt surfaces with cement concrete bases shall have fifty points for road surface condition and no points for structural condition and except that gravel roads shall have thirty-five points maximum for surface condition, and fifteen points maximum for roadbed width in geometrics and no other geometric points. Prioritization of SWR projects shall be on the basis of total SWR RAP rating points shown on the project worksheets and the prospectus form of the project application.

WAC 136-130-080 Limitation on rating points.
In each of the project prioritization methods described in WAC 136-130-030, 136-130-040, 136-130-050, 136-130-060, and 136-130-070 rating points are assigned to a variety of structural and geometric conditions. For purposes of the RAP project prospectus submitted to the county road administration board, geometric condition points shall be assigned only for those conditions which will be corrected by construction of the project.

ELIGIBILITY FOR RURAL ARTERIAL TRUST ACCOUNT FUNDS

WAC 136 CHAPTER 150

WAC 136-150-010 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). This chapter describes how these provisions will be implemented by the county road administration board.

WAC 136-150-020 Implementing the eligibility requirement.
The county road administration board will ascertain the amount of the total road levy fixed in each county and the amount diverted, if any, for any services to be provided in the unincorporated area of the county in accordance with RCW 36.33.220.

WAC 136-150-021 Ascertaining the road levy.
The county road administration board will require that every county legislative authority submit, no later than February 1st of each year, a certification showing the amount of the road levy fixed and the amount, if any, budgeted for traffic law enforcement and/or any other purpose in accordance with RCW 36.33.220

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, 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 March 15 of each year.

WAC 136-150-023 Identifying eligible counties.
Counties eligible to receive RATA funds shall be:

(1) Those in which there has been no diversion of the county road levy;
(2) Those in which 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;
(3) Those in which road funds have been transferred to other funds and have been used for legitimate road purposes;
(4) Those with a population of less than eight thousand; and
(5) Those expending revenues collected for road purposes only on other governmental services after authorization from the voters of that county under RCW 84.55.050.

WAC 136-150-024 Constraint of contract execution.
The county road administration board shall not execute a contract with any county for any RAP project_unless the appropriate certifications have been submitted and unless the county has been identified as being eligible to receive RATA funds.

WAC 136-150-030 Certification required.
The contract between the county road administration board and a county relative to a RAP project shall contain a certification signed by the county executive or chair of the board of county commissioners, as appropriate, that the county is in compliance with the provisions of this chapter.

WAC 136-150-040 Post audit penalty.

Every RAP project shall be subject to final examination and audit by the state auditor. In the event such an examination reveals an improper certification on the part of a county relative to compliance with provisions of this chapter, the matter shall be placed on the agenda of the next meeting of the county road administration board and may be cause for the board to withdraw or deny the certificate of good practice of that county. The board may also require that all or part of the RATA funds received by the county be returned to the county road administration board.

PROJECT SUBMITTAL, SELECTION AND INITIAL ALLOCATION OF RATA FUNDS TO PROJECTS

WAC 136 CHAPTER 161

WAC 136-161-010 Purpose and authority.
RCW 36.79.060 provides that the county road administration board shall administer the rural arterial program (RAP) established by chapter 36.79 RCW. This chapter describes the manner in which counties may request RATA funds for specific rural arterial projects and the manner in which the county road administration board will select projects and allocate RATA funds to such projects.

WAC 136-161-020 RAP program cycle – General.
The RAP biennial program cycle consists of the following basic steps:

(1) The CRABoard establishes a funding period if it determines that sufficient future RATA funds are available to provide for new RAP projects. This determination takes place during the CRABoard's regularly scheduled fall meeting in odd-numbered years.

(2) Each county prepares and submits a preliminary prospectus to the county road administration board;

(3) County road administration board staff conducts a field review of each preliminary prospectus and provides to each submitting county an evaluation and scoring of all priority elements which are based on a visual examination, using that region's priority rating process;

(4) Each county prepares and submits a final prospectus to the county road administration board;

(5) For each final prospectus submitted, county road administration board staff computes the total priority rating score and assembles all projects into rank-ordered arrays by region; and

(6) The county road administration board reviews the rank-ordered arrays in each region and, based upon the RATA funds projected to be allocable for the next project program period (see WAC 136-161-070), selects and approves specific projects for RATA funding.

WAC 136-161-030 RAP program cycle – Preliminary prospectus.
By March 1st of each even-numbered year prior to a funding period, each eligible county shall, for each project for which it seeks RATA funds estimated to be available in the next project program period, submit a preliminary prospectus to the county road administration board. The format and content of the preliminary prospectus shall be prescribed by the county road administration board. Each preliminary prospectus shall be signed by the county engineer. The number of preliminary prospectuses submitted and the total amount of RATA funds requested by each eligible county shall be sufficient to assure that, based upon such prospectuses, each county will be able to compete up to its county limit within its region.

WAC 136-161-040 RAP program cycle – Field review by county road administration board.
After all preliminary prospectuses are received, the county road administration board will schedule and conduct an on-site field review of each project. During the field review, conducted jointly with the county engineer or his/her designee (unless waived by the county engineer), the assigned county road administration board staff person will review the overall project scope with the county representative and, using that region's priority rating process, determine the rating score of all priority elements which are based on a visual examination. To ensure both uniformity and professional judgment in the visual ratings, the assigned county road administration board staff

person shall be a licensed professional civil engineer in the state of Washington, and the same person shall review and rate all projects within a region. All field reviews will be completed, and the visual rating scores returned to each submitting county, by July 1st of each even-numbered year prior to a funding period.

WAC 136-161-050 RAP program cycle – Final prospectus.
By September 1st of each even-numbered year prior to a funding period, each eligible county shall submit a final prospectus for each project for which it seeks RATA funds. Each final prospectus shall be submitted on forms provided by the county road administration board and shall include a vicinity map, a typical cross-section (existing and proposed), and, if a design deviation is required, an evaluation and determination by the county engineer. If a project is for the improvement of a road which continues into an adjacent county and the project terminus is within 1000 feet of the county line, the prospectus shall include a statement signed by the county engineer of the adjacent county certifying that the adjacent county will cooperate with the applicant county to the extent necessary to achieve a mutually acceptable design. All final prospectuses shall indicate that the construction of the project shall begin not later than six years from the date of project approval by the county road administration board. All final prospectuses shall come from the pool of preliminary prospectuses submitted and field reviewed as specified in WAC 136-161-030 and 136-161-040.

WAC 136-161-060 RAP program cycle – Total project rating and priority array.
County road administration board staff will review all final prospectuses and ensure that:

(1) All necessary information is included;
(2) The project is from the pool of preliminary prospectuses;
(3) The project is eligible for RATA funding;
(4) The project is on the current, adopted six-year transportation program;
(5) The project schedule indicates that the construction of the project will begin not later than six years from the date of project approval by the county road administration board; and
(6) The total project priority rating is mathematically correct and the visual rating scores determined during the field review are included.

After county road administration board staff review, all accepted final prospectuses within each region will be placed in a declining total project rating array in accordance with procedures specified in chapter 136-130 WAC. After review by the county road administration board at its next regular meeting, the priority array for each region will be provided to each county in the region. These arrays will be preliminary only and will be provided to the counties to assist them in their internal budgeting and programming. No notations as to whether a particular project will or will not be funded will be included.

WAC 136-161-070 RAP program cycle – Selection and approval of projects for RATA funding.

(1) At its last regular meeting before the beginning of each biennium, the county road administration board will select projects and allocate anticipated RATA funds to projects in each region. The preliminary priority arrays as developed in WAC 136-161-060 will be updated to exclude any county which is ineligible under chapter 136-150 WAC, and projects will be selected from these arrays. Selections will be made in each region in declining priority rank order, provided that: (a) No county shall be allocated RATA funds in excess of its regional county limit as specified in WAC 136-161-080; and (b) Any projects which were partially funded in the prior biennium shall, unless otherwise requested by the county, be fully funded before new projects are selected. Ties in total rating points will be broken by the county road administration board in favor of the county having the lesser total amount of previously allocated RATA funds.
(2) The state-wide net amount of RATA funds available for allocation to projects in the funding period will be based on the most recent state fuel tax revenue forecast prepared quarterly by the department of transportation, less estimated administrative costs, and less any amounts set aside for emergent projects as described in WAC 136-163-020. The total amount of

RATA funds available for allocation to projects in a region (i.e., "forecasted regional apportionment amount") will be based on the regional apportionment percentages of the state-wide net amount as determined in chapter 136-100 WAC.

(3) For the funding period beginning July 1, 1995, the project program period will be the next four state fiscal years (1996, 1997, 1998 and 1999), beginning July 1, 1995, and ending June 30, 1999). For the funding period beginning July 1, 1997, the project program period will begin July 1, 1999, and end June 30, 2001.

(4) The RATA amounts allocated to projects in the first year of the biennium are limited to no more than ninety percent of the net amount estimated to be allocable to each region for the project program period, with the remaining percentage allocated at such time as deemed appropriate by the county road administration board.

(5) Acceptance of the RATA allocation for a project by the full execution of a CRAB/county contract as described in chapter 136-170 WAC constitutes agreement to complete the project in compliance with the scope, design and project limits in the final prospectus. All material changes to the scope, design or project limits must be approved by the county road administration board prior to commencement of construction.

WAC 136-161-080 Limitations on allocations of RATA funds to counties.

For any project program period, no county shall receive a RATA fund allocation greater than the following maximum project RATA contribution, or percentage of the forecasted regional apportionment amount:

(1) PSR: Maximum project RATA contribution is 40% limit on percentage of the forecasted regional apportionment amount;

(2) NWR: Maximum project RATA contribution is five hundred thousand dollars; twenty-five percent limit on percentage of the forecasted regional apportionment amount;

(3) NER: No maximum project RATA contribution; twelve and one-half percent limit on percentage of the forecasted regional apportionment amount;

(4) SWR: No maximum project RATA contribution; fifteen percent limit on percentage of the forecasted regional apportionment amount;

(5) SER: No maximum project RATA contribution; percentage varies by county as follows:

(a)	Asotin County	ten percent
(b)	Benton County	fourteen percent
(c)	Columbia County	eleven percent
(d)	Franklin County	thirteen percent
(e)	Garfield County	ten percent
(f)	Kittitas County	thirteen percent
(g)	Klickitat County	fourteen percent
(h)	Walla Walla County	fourteen percent
(i)	Yakima County	twenty percent

WAC 136-161-090 Limitations on use of RATA funds.
RATA funds requested and allocated to a project are limited to eighty percent in the NWR, and ninety percent in the PSR, SWR, NER and SER, of the total eligible project development costs, which include preliminary engineering and construction costs in all regions, and right of way costs in the PSR, NWR, NER and SER. Even though additional and eligible project development costs may be incurred by a county for a specific project, the maximum amount of RATA funds for that project is limited to the amount allocated and shown in the CRAB/county contract (see chapter 136-170 WAC), unless the allocation is increased pursuant to chapter 136-165 WAC.

WAC 136-161-110 Use of other funds to match RATA funds.
A county with an approved RAP project may use any other funds available for such project including federal, other state, private, and local funds, provided that the county will be required to use such other funds to match any RATA funds allocated to the project with a minimum of twenty percent other funds in the NWR and ten percent other funds in the PSR, SWR, NER, and SER.

ALLOCATION OF RATA FUNDS TO EMERGENT AND EMERGENCY PROJECTS

WAC 136 CHAPTER 163

WAC 136-163-010 Purpose and authority.
RCW 36.79.140 provides for the authorization of RATA funds for projects of an emergent nature. This chapter describes the manner in which counties may request RATA funds for such projects and the manner in which the county road administration board will respond to such requests.

WAC 136-163-020 Definitions.
For the purposes of this chapter, the term "emergent nature" as used in RCW 36.79.140 shall mean both "emergent" and "emergency" projects as follows:

(1) Emergency project: Work of either a temporary or permanent nature which restores roads and bridges to the predisaster condition and may include reconstruction to current design standards. This work is the result of a sudden natural or man-made event which results in the destruction or severe damage to RATA-eligible roadway sections or structures such that, in the consideration of public safety and use, the roadway sections or structures must be immediately closed or substantially restricted to normal traffic. Work of an emergency nature is also beyond the scope of work done by a county in repairing damages normally or reasonably expected from seasonal or other natural conditions, and is beyond what would be considered maintenance, regardless of how extensive the maintenance may be.

(2) Emergent project: RATA-eligible work necessitated by sudden and unanticipated development, growth, access needs, or legal decisions. This work is not the result of an emergency situation as previously defined. This work, in consideration of good transportation capital facilities management, will also require a county to commit resources beyond its current six-year transportation program and prior to the next six-year transportation program annual update as provided for in RCW 36.81.121.

WAC 136-163-030 Limitations and conditions – Emergency projects.
To be eligible for emergency project approval, the county must declare an emergency as provided for in RCW 36.04.180. If there is not yet a state declaration of emergency, the county must also, in consultation with the state military department, emergency management division and the WSDOT, evaluate the probability of receiving a state declaration of emergency. A state declaration of emergency is required as a condition of receiving federal funding for road-related damages via the Emergency Relief Program or FEMA. If such federal funding has been approved or is likely to be approved, the county road administration board may provide up to one hundred percent of the county's required matching funds for such federal funding but only after the approval of the federal funds.

Should such federal funding not be forthcoming, or if the emergency is of such a scope and size that federal funding is clearly improbable, the county road administration board may provide up to eighty percent or ninety percent of the estimated eligible damages depending upon the regional limitations as provided for in WAC 136-161-090, with the total project cost limited to the actual expenditures by the county.

WAC 136-163-040 Limitations and conditions – Emergent projects.
To be eligible for emergent project approval, the project shall be evaluated by the county road administration board grant programs engineer, with the participation of the county engineer, on the same point system as all other projects within the region. The proposed emergent project must rank

at or above the regional funding cut off line on the current regional array based upon one hundred percent of the current estimated regional allocation as determined by the county road administration board.

WAC 136-163-050 Limitations and conditions – Emergency and emergent projects.
All projects for which RATA funding is being requested under this chapter are subject to the following:

(1) The requesting county has the sole burden of making a clear and conclusive showing that the project is either emergent or emergency as described in WAC 136-163-020 through 136-163-040;

(2) The requesting county shall clearly demonstrate that the need for the project was unable to be anticipated at the time the current six-year transportation program was developed; and

(3) The requesting county agrees to a reduction in the next funding period's maximum RATA eligibility to the county equal to the RATA that may be provided; however, should that region not have a maximum RATA eligibility for each county, the requesting county agrees to withdraw, amend or delay an existing approved project or portion thereof in an amount equal to the RATA that may be provided for the project.

WAC 136-163-060 Action by the county road administration board.
Counties may request consideration and action by the county road administration board at any time, however, the county road administration board will address all such requests at its next regular quarterly meeting. A county may request, and the county road administration board chair may convene, a special meeting to consider such a request as provided for in WAC 136-01-030.

INCREASED ALLOCATIONS OF RATA FUNDS TO PROJECTS

WAC 136 CHAPTER 165

WAC 136-165-010 Purpose and authority.
RCW 36.79.150 provides for increasing the amount of RATA funds allocated to a project. This chapter describes the manner in which counties may request an increase in the amount of RATA funds allocated to a project and the manner in which the county road administration board will respond to such requests. This chapter will apply only to projects for which RATA funds have been allocated after July 1, 1995.

WAC 136-165-020 Requirements for consideration of RATA fund increases.

(1) When a county submits its final prospectus as described in WAC 136-161-050, the county road administration board presumes that the amount of RATA funds requested, plus any non-RATA funds that may be designated for the project, are sufficient to fully, and in a timely manner, complete the project as described.

(2) In extraordinary circumstances, a county may request an increase in the amount of RATA funds allocated to a project. A county may request an increase in a project's RATA allocation only twice in the course of a project's development: At the completion of preliminary engineering, and prior to commencing construction. All cost increases during the course of construction shall be the responsibility of the county. Requests for increases in excess of fifty percent of the original RATA allocation will not be considered or granted; the county must secure other funds, withdraw or request the termination of the project, or request a change in scope and/or project limits.

(3) A request by a county for an increase in RATA funds allocated to a project shall demonstrate that:
- (a) The county at the time of preparing its final project prospectus considered the factors listed in subsection (4) of this section;
- (b) The request for an increased allocation is based on extraordinary and unforeseeable circumstances of the type listed in subsection (5) of this section;
- (c) It is not feasible to reduce the scope and/or project limits so the project can be substantially constructed within the initial RATA allocation; and
- (d) The request is not to pay for an expansion of the originally approved project.

(4) At the time of preparation and submittal of the final project prospectus, a county is expected to consider all information which may affect the cost of the project. In cases where the information is incomplete or poorly defined, the county is to exercise good professional judgment and/or seek outside professional assistance and advice in order to prepare a reasonable RATA fund request. The information which a county is expected to consider includes, but is not limited to, the following:
- (a) The availability at the needed time of matching funds and other supplementary funds;
- (b) All technical data reasonably available such as topographic maps, reconnaissance reports, surface and subsurface geotechnical data, hydraulic and hydrological data, sources of materials, applicable design standards, and any earlier preliminary engineering;
- (c) Required permits, including pre-project scoping consultations with the permitting agencies and an estimate of the costs of complying with permit requirements;
- (d) Required right of way or other easements, and the time and cost of acquisition;
- (e) Availability of qualified contractors to perform the work;
- (f) Ownership, type, amount, and time requirements of any required utility relocation;
- (g) Historical and projected labor, equipment and material costs; and

(h) The project development timetable leading to completed construction and the interrelation of this project to all other work activities under the control of the county engineer.

(5) The county road administration board will increase RATA funds allocated to a project only if it finds that the request for an increased allocation is based on extraordinary and unforeseeable circumstances, including but not limited to the following:

(a) The county relied on existing technical data which were later found to be in error, and which will necessitate a significant design change prior to proceeding with construction;

(b) Project permit requirements were substantially changed, or new permits were required;

(c) Supplementary funds, such as impact fees, developer contributions, grants, etc., which were forecasted to be available for the project, were withdrawn or otherwise became unavailable;

(d) Design or other standards applicable to the project were changed; and/or

(e) The start of construction will be significantly delayed or additional construction requirements will be added as a direct result of legal action; provided however, that the failure of a county to exercise its statutory powers, such as condemnation, will not be grounds for increasing RATA funds.

WAC 136-165-030 County road administration board evaluation, consideration and action.

(1) In deciding whether to grant a request for a RATA allocation increase submitted under the provisions of WAC 136-165-020, the county road administration board will consider the following factors:

(a) Whether the county, at the time of preparing its final project prospectus, considered the factors listed in WAC 136-165-020(4);

(b) Whether the county's request for an increased allocation is based on extraordinary and unforeseeable circumstances of the type listed in WAC 136-165-020(5);

(c) Whether it is feasible to reduce the scope and/or project limits so the project can be substantially constructed within the initial RATA allocation;

(d) Whether the request is to pay for an expansion of the project; and

(e) Whether the increased allocation will have an adverse effect on other approved or requested RATA funded projects.

(2) Where the requested increase is less than or equal to twenty-five percent of the original RATA allocation, and one hundred thousand dollars, the request may be acted upon by the executive director; all approvals or denials will be appropriately documented and described to the county road administration board at its next quarterly meeting. Where the requested increase is more than twenty-five percent of the original RATA allocation, or one hundred thousand dollars, the request will be acted upon by the county road administration board.

(3) If the county road administration board finds that an increase in RATA funds for a previously approved project is justified, some or all of the requested increase may be allocated.

WAC 136-165-040 Effect of receiving RATA increase.

A county's increased RATA funds for a project program period shall correspondingly reduce the amount of any RATA funds for which it is eligible to compete in the next project program period; provided that the county road administration board may grant a county's request to decrease such a reduction by the total amount of increased but unexpended RATA funds.

All reductions and reduction adjustments as described shall be effective in the project program period following the period in which the increase in the RATA funds is approved.

WAC 136-165-050 Amendment of CRAB/county contract.

All changes in approved RATA allocations and other county road administration board actions taken under the provisions of this chapter shall be reflected by amending the CRAB/county contract.

Failure of a county to execute an amended CRAB/county contract within forty-five days of receipt shall nullify all allocation increases and other county road administration board actions.

WITHDRAWALS, EARLY TERMINATION, AND LAPSING OF APPROVED RAP PROJECTS

WAC 136 CHAPTER 167

WAC 136-167-010 Purpose and authority.
RCW 36.79.060 authorizes the county road administration board to adopt rules relating to the allocation of funds in the rural arterial trust account (RATA). This chapter describes the manner in which the county road administration board will administer project withdrawals, early termination, and lapsing of approved projects.

WAC 136-167-020 Withdrawal of approved project before RATA reimbursement.
At any time after the submittal of a final project prospectus and prior to the time the first RATA reimbursement has been sent to the county, a county may withdraw a RATA funded project. Withdrawal may occur either before or after the county road administration board has allocated RATA funds to the project. The statement of withdrawal must be in writing and signed by the chair of the board of county commissioners or the county executive, as appropriate. The withdrawal shall be effective upon receipt by the county road administration board. If RATA funds have been allocated to the project and a CRAB/county contract has been executed, the contract will be voided and the RATA funds will be allocated to other projects within the region.

WAC 136-167-030 Termination of approved project after RATA reimbursement.

(1) If a county terminates an uncompleted RATA funded project for which RATA reimbursement has been made and is prepared to repay the RATA for all RATA funds received, the county shall, by means of a letter signed by the chair of the board of county commissioners or the county executive as appropriate, inform the county road administration board of its termination of the project. The letter shall state the reasons for termination and commit to repaying all RATA funds received for the project. Upon acknowledgement of such termination by the county road administration board, the county shall repay the county road administration board for all RATA funds paid to the county on that project within sixty days of such acknowledgement. ~~Upon~~ After receipt of the RATA repayment, the county road administration board will void the CRAB/county contract and allocate the RATA funds to other projects within the region.

(2) If a county terminates an uncompleted RATA funded project for which RATA reimbursement has been made and does not want to be required to repay the county road administration board for all RATA funds received, a letter of request signed by the chair of the board of county commissioners or the county executive as appropriate must be sent to the county road administration board. The request must include:
   (a) An explanation of the reasons that the project will not proceed to completion.
   (b) A statement of the amount of RATA funds which the county does not want to repay, and
   (c) An explanation of why the county believes full repayment should not be made.

   If the county road administration board grants the request, the county shall repay all RATA funds not exempted from repayment, the CRAB/county contract will be amended, and the remaining RATA funds will be allocated to other projects within the region. If the county road administration board denies the request, full repayment shall be made as provided in subsection (1) of this section.

WAC 136-167-040 Lapsing of RATA allocation for approved projects.

To encourage timely development and construction of approved projects, all projects for which RATA funds have been allocated must meet certain project development milestones. Failure to meet the milestones will result in action by the county road administration board to withdraw RATA funds from the project. This provision will only apply to those projects for which RATA funds have been allocated after July 1, 1995.

(1) For the purposes of this section, a project will be subject to lapsing and withdrawal of its RATA allocation if
   (a) The project has not begun the preliminary engineering phase within four years of project approval by the county road administration board, or
   (b) The project has not begun construction within six years of the date of project approval by the county road administration board.

(2) A project shall be considered in preliminary engineering if authorization to expend funds for preliminary engineering has been granted by the county legislative authority as provided for in RCW 36.75.050. A project shall be considered in construction if
   (a) The construction contract for the work has been advertised for bids as provided for in RCW 36.77.020,
   (b) A contract has been awarded under the provisions of the small works roster contract award process, or
   (c) If done by day labor, the work has commenced.

(3) If an approved project does not meet a required project development milestone, the county road administration board will, at its next regular meeting, withdraw RATA funds from the project.

(4) At any time up to ten days before such meeting, the county may, in writing, request an extension of the lapse date. The county road administration board executive director may grant such an extension if the director finds that the delay in project development was for reasons that were both unanticipated and beyond the control of the county, and subject to the following.
   (a) A project extension will be granted one time only and will be no more than two years in length; and
   (b) The request for an extension is based on unforeseeable circumstances that the county could not have anticipated at the time the project was submitted for RATA funding; and
   (c) An approved time extension will not be grounds for the county to request an increase in the RATA funding of the project; and
   (d) The executive director will determine a new lapse date, and all of the requirements listed above under subsections (1) and (2) of this section will apply except that further extensions will not be granted.

(5) The CRABoard may at any time place a moratorium on lapsing of projects that are delayed due to CRAB initiated rescheduling and establish a new lapsing date to fit the CRABoard's programming needs. For those projects given a lapsing moratorium, section four shall be held in abeyance until the new lapsing date.

EXECUTION OF A CRAB/COUNTY CONTRACT FOR A RAP PROJECT

WAC 136 CHAPTER 170

WAC 136-170-010 Purpose and authority.
RCW 36.79.060 authorizes the county road administration board to adopt rules to implement the rural arterial program (RAP). This chapter describes the individual project contract between the county road administration board and a county (CRAB/county contract) to be used to administer each approved RAP project.

WAC 136-170-020 Notification of counties.
The county road administration board shall, within ten days of its RAP project approval meeting, notify each county having an approved project of such approval and of the amount of RATA funds allocated to each approved project. The county road administration board shall offer a contract for each such approved project setting forth the terms and conditions under which RATA funds will be provided.

WAC 136-170-030 Terms of CRAB/county contract.
(1) For projects for which RATA funds are allocated before July 1, 1995, the CRAB/county contract shall include, but not be limited to, the following provisions:

(a) The contract shall be valid and binding (and the county shall be entitled to receive RATA funds) only if such contract is signed and returned to the county road administration board within forty-five calendar days of its mailing by the county road administration board.
(b) The county certifies that it is in compliance with the provisions of chapter 136-150 WAC.
(c) The project will be constructed in accordance with the scope, design and project limits as described in the final prospectus and in accordance with the plans and specifications approved by the county engineer.
(d) The county will notify the county road administration board when a construction contract has been awarded and/or when construction has commenced, and when the project has been completed.
(e) The county road administration board will reimburse counties on the basis of monthly progress payment vouchers received and approved on individual projects in the order in which they are received in the county road administration board office, subject to the availability of RATA funds apportioned to the region or subject to a minimum regional balance determined by the CRABoard for the purposes of cash flow; provided however, that if insufficient RATA funds are available or the legislature fails to appropriate sufficient RATA funds, payment of vouchers may be delayed or denied.
(f) The county will reimburse the RATA in the event a project post audit reveals ineligible expenditure of RATA funds.

(2) For projects for which RATA funds are allocated on or after July 1, 1995, the CRAB/county contract shall include, but not be limited to, the following provisions:

(a) The contract shall be valid and binding, and the county shall be entitled to receive RATA funding in accordance with the vouchering/payment process as described in chapter 136-180 WAC, only if the contract is properly signed and returned to the county road administration board within forty-five calendar days of its mailing by the county road administration board.
(b) The county certifies that it is in compliance with the provisions of chapter 136-150 WAC.
(c) The project will be constructed in accordance with the scope, design and project limits as described in the final prospectus and in accordance with the plans and specifications approved by the county engineer.

(d) The county will notify the county road administration board when a construction contract has been awarded and/or when construction has commenced, and when the project has been completed.
(e) The county road administration board will reimburse counties on the basis of monthly progress payment vouchers received and approved on individual projects in the order in which they are received in the county road administration board office, subject to the availability of RATA funds apportioned to the region; or subject to a minimum regional balance determined by the CRABoard for the purposes of cash flow; provided however, that if insufficient RATA funds are available or the legislature fails to appropriate sufficient RATA funds, payment of vouchers may be delayed or denied.
(f) The county will reimburse the RATA in the event a project postaudit reveals ineligible expenditures of RATA funds.
(g) The county may be required to reimburse the RATA in the event of early termination in accordance with the provisions of chapter 136-167 WAC.
(h) The county agrees to amend the contract in cases where:
    (i) Additional RATA funds have been requested and approved under chapter 136-165 WAC;
    (ii) Other relief from the original scope, design or project limits has been approved by the county road administration board under chapter 136-165 WAC; or
    (iii) A project has been terminated without full RATA reimbursement under WAC 136-167-030(2).
(i) The county agrees to provide periodic project development progress reports as requested by the county road administration board.

WAC 136-170-040 Combining of CRAB/county contracts.
In those cases where a county desires to combine two or more adjacent RATA funded projects into a single construction contract, the county, prior to advertising for the construction contract, or prior to commencing construction should any of the projects be scheduled for completion by day labor, may request the county road administration board to combine the projects into a single project, regardless of the applicable maximum project RATA contribution. Upon receipt of a letter of request to combine, a revised CRAB/county contract will be prepared and sent to the county for its execution and return in the same manner as for the original contracts. Projects shall be considered adjacent if they have a common terminus.

PROCESSING OF RAP VOUCHERS

WAC 136 CHAPTER 180

WAC 136-180-010 Purpose and authority.
RCW 36.79.160 provides that counties shall submit vouchers for payment of the RATA share of the cost of work completed on each RAP project. This chapter describes the manner in which the county road administration board will implement the provisions related to payment of vouchers.

WAC 136-180-020 Voucher form.
The county road administration board shall prepare and distribute to all counties with approved RAP projects, voucher forms for use in requesting progress payments and final payment for each approved RAP project.

WAC 136-180-030 Voucher approval.
The county constructing each RAP project may submit vouchers monthly as the work progresses and shall submit a final voucher after completion of each RAP project for the payment of the RATA share of the project cost. The chair of the county road administration board or his/her designee shall approve such vouchers for payment to the county submitting the voucher.

WAC 136-180-040 Payment of vouchers.
Upon approval of each RAP project voucher by the chair of the county road administration board or his/her designee, it shall be transmitted to the state treasurer for preparation of the RATA warrant. The RATA warrant will be returned to the county road administration board and transmitted directly to each county submitting a voucher.

DESIGN STANDARDS FOR RURAL ARTERIAL PROGRAM PROJECTS

WAC 136 CHAPTER 210

WAC 136-210-010 Purpose and authority.
RCW 36.79.060(2) provides that the county road administration board shall adopt reasonably uniform design standards for county rural arterials and collectors that meet the requirements for trucks transporting commodities. This chapter describes how this statutory requirement will be implemented by the county road administration board.

WAC 136-210-020 Applicable design standards.
Geometric design of all RAP projects including all bridges shall, unless otherwise approved by the CRABoard, be in accordance with the city and county design standards for the construction of urban and rural arterials and collectors as adopted November 30, 1994, or as they may be revised from time to time thereafter in accordance with RCW 35.78.030 and 43.32.020.

WAC 136-210-030 Deviations from design standards.
Deviation from the specified design standards may be requested by the county engineer in responsible charge of the project when circumstances exist which would make application of adopted standards exceedingly difficult. Whenever a deviation request is to be made on a project, it shall be so noted on the project application submitted in accordance with WAC 136-161-050. Request for deviation shall be made to the WSDOT assistant secretary for highways and local programs.

WAC 136-210-040 Report of assistant secretary for highway and local programs.
Whenever the CRABoard meets to approve RAP projects the assistant secretary for highway and local programs shall provide a written report on his action in response to deviation requests, if any, made on individual projects. Failure of the assistant secretary for highway and local programs to report in response to a deviation request within thirty days of receipt of such request shall be considered as approval.

WAC 136-210-050 Project approval with deviation.
After having received the report of the assistant secretary for highway and local programs in response to deviation requests, the CRABoard shall proceed with RAP project approval in accordance with WAC 136-161-050. Proposed projects for which the deviation request has been denied shall not be approved.

2.D. CAPP RULES

CHAPTER NUMBER	TITLE	ORIGINAL ADOPTION	LAST REVISION	REVISION NUMBER
300	Administration of the County Arterial Preservation Program	10/5/1990	10/29/1998	2

ADMINISTRATION OF THE COUNTY ARTERIAL PRESERVATION PROGRAM

WAC 136 CHAPTER 300

WAC 136-300-010 Purpose and authority.
RCW 46.68.095(4) provides that the county road administration board shall administer the county arterial preservation program (CAPP) and the county arterial preservation account (CAPA) established by this statute. This chapter describes the manner in which the county road administration board will implement the several provisions of the statute.

WAC 136-300-020 Adoption of rules.
The county road administration board shall adopt rules in accordance with the provisions of the statute for purposes of administering the CAPP regarding the following:

(1) Distribution of CAPA funds.
(2) Pavement management systems.
(3) Preparation of annual county arterial preservation programs.
(4) Allowable activities for CAPA funding.
(5) Accounting and audit provisions.
(6) Annual CAPP report.

WAC 136-300-030 Delegation of authority.
In order to assure effective and timely administration of the CAPP the county road administration board may, by resolution, delegate specific administrative authorities to its executive director.

WAC 136-300-040 Staff services and facilities.
The county road administration board shall arrange for all necessary staff services and facilities necessary for the efficient administration of the county arterial preservation program. The costs of such services and facilities as well as all other lawful expenses of the county road administration board that are attributable to CAPP shall be paid from the county arterial preservation account in the motor vehicle fund.

WAC 136-300-050 Distribution of CAPA funds.

(1) Certification of county arterial mileage.
  (a) Classification. The statute specifies that expenditure of CAPA funds is restricted to paved arterials in the unincorporated area of each county. Arterials are defined as being those county roads:
    (i) In urban areas, classified within the federal functional classification system as arterials or collectors;
    (ii) In rural areas, classified within the federal functional classification system as arterials, major collectors, or minor collectors.
  (b) Paved roads are defined as those roads which, at the time of CAPA allocation determination, are hard-surfaced through the application of a bituminous surface treatment (BST), asphaltic concrete pavement (ACP), or portland cement concrete (PCC). Brick or block surfaces shall also be considered as paved.
  (c) Source of information. The master county road log as maintained by the county road administration board in accordance with chapter 136-60 WAC shall be the source of official paved road mileage to be used for CAPA distribution.

(2) Establishment of allocation percentages. At its first regular meeting after July 1 of each year, the county road administration board shall establish the next calendar year's allocation percentages for the individual counties based on information contained in the most recently

certified master county road log. Each county's allocation percentage shall be computed by the county road administration board as its percentage of paved arterial lane miles of the total state-wide paved county arterial lane miles.

(3) Notice to counties. Upon their establishment, the county road administration board shall notify the county legislative authority and the county engineer of each county of the respective county's CAPA allocation percentage and the latest estimate of the amount of CAPA funds to be allocated during the next calendar year.

(4) Distribution to counties. Distribution of allocated CAPA funds shall be done monthly by the state treasurer. The state treasurer shall use the allocation percentages provided by the county road administration board as computed under the provisions of subsection (2) of this section.

(5) Eligibility. All arterial preservation work and related activities done by each county shall be eligible for CAPA funding provided that:

(a) The county is determined to be in compliance with the pavement management system requirements as set forth in chapter 136-70 WAC; and

(b) The county engineer submits the annual CAPA program as required in WAC 136-300-060; and

(c) The work is in conformance with the allowable activities as specified in WAC 136-300-070.

WAC 136-300-060 Annual county arterial preservation programs.

Each county engineer shall, in conjunction with the county's annual road construction program as required by RCW 36.81.130 and chapter 136-16 WAC, prepare an annual county arterial preservation program. Appropriate forms will be provided by the county road administration board.

The county's annual county arterial preservation program shall consist of a list of all proposed county arterial preservation projects and activities for the ensuing year. In order to evaluate the relative ability of CAPA funds to meet the county's total arterial pavement preservation needs, the annual county arterial preservation program shall identify those projects for which CAPA funding is available.

The county engineer shall submit the proposed county arterial preservation program to the county road administration board along with the county's annual road program and budget in accordance with chapter 136-16 WAC.

WAC 136-300-070 Allowable activities within CAPP.

For all CAPA-funded projects that involve structural resurfacing, the existing road must meet the following minimum width standards:

Shouldered roadway sections:

Current ADT	Lane width	Shoulder width
0 to 100	9 feet	2 feet
101 to 400	10 feet	2 feet
401 to 4000	10 feet	2 feet
Over 4000	11 feet	4 feet

Curbed roadway sections (minimum lane width):

Current ADT	Two-way undivided	One-way & two-way divided
All	10 feet	9 feet

All roadways built to less than the above standards for which a county proposes to perform structural resurfacing must be widened with other than CAPA funds.

Use of county arterial preservation account funds shall be limited to the following three groups of activities:

(1) Implementation of computerized systems to include:

(a) Acquisition of computer hardware and software that may be necessary to operate a computer-based pavement management system.

(b) Pavement management system training not otherwise provided by the county road administration board. This can include software usage, pavement condition surveying, and other specialized training directly related to the operation and maintenance of a computer-based pavement management system.

(c) Payment for related services such as data entry, pavement condition surveys, and rental of specialized PMS-related equipment such as road raters.

Acquisition of equipment other than computer hardware as described in subdivision (a) of this subsection is not eligible.

(2) Direct and attributable indirect costs associated with paved surface preservation and rehabilitation activities on existing roadways, including the following:

(a) Nonstructural resurfacing projects. These include thin asphalt concrete overlays (one-inch or less); bituminous seal coats (single and double); slurry seals, sand seals, and fog seals; associated tack coats, paving fabrics, and preleveling; and associated surface grinding and planing.

(b) Structural resurfacing projects. These include thick asphalt concrete overlays (greater than one-inch); portland cement concrete overlays; associated tack coats, paving fabrics, and preleveling; associated surface grinding and planing; and hot/cold bituminous road mixes.

(c) Associated activities. These include crack sealing (bituminous and portland cement pavements); full-depth, structural patching done in preparation for structural or nonstructural overlays or seals; portland cement pavement joint reconstruction undersealing, panel jacking and panel replacement; and other related activities as are directly attributable to nonstructural and structural resurfacing projects.

(3) Resurfacing work associated with the reconstruction and/or widening of existing paved arterials. This participation is limited as follows:

(a) The present roadway is a paved county arterial as defined by WAC 136-300-050;

(b) The county's approved pavement management system has identified the existing pavement as requiring resurfacing within two years of the expected reconstruction/widening project completion date;

(c) The reconstruction/widening project will bring the roadway to at least the lane and shoulder width standards and non-CAPA funding requirements of this section;

(d) The CAPA participation will be limited to the resurfacing portion of the project as described in this section.

WAC 136-300-080 Accounting and audit provisions.

(1) Accounting requirements:

(a) Deposits. Upon receipt of CAPA funds from the state treasurer, each county shall deposit them in a separate BARS revenue account within the county road fund or in a fund separate from the county road fund. The county engineer shall evaluate the capabilities of the county road fund accounting system and select the method of deposit and related accounting.

(b) Expenditures. Expenditures of these funds shall be solely for CAPA-eligible work and must be separately identified within each county's road fund expenditure reporting system.

(2) Audit provisions. CAPA audits may be conducted by the state auditor's office and will normally be conducted in conjunction with the audits required by RCW 43.09.260 and 36.80.080. Special audits of specific CAPP activities or projects may be accomplished at the request of the county road administration board. The costs of such special audits shall be the responsibility of the county road administration board.

(3) Scope of audits. The audit of any CAPP project or activity shall include but not be limited to the review of the county's compliance with:

(a) The provisions of the enabling legislation and

(b) The rules in Title 136 WAC regarding implementation and administration, with detailed review of the application of CAPA funds and the various reporting requirements.

The audit shall also include a review of the financial accounting and reporting of all CAPA funds.

(4) Noncompliance, questioned costs, and post-audit penalty. If the audit of a CAPP activity or project reveals any area of noncompliance and/or questioned costs, then such exceptions shall be subject to comment by the examiner within the audit report. In the event an exception has been noted within the audit report, it shall be the duty of the county road administration board to evaluate the noted discrepancy. Discrepancies may be cause for the county road administration board to order the payback of any CAPA funds that have been expended on ineligible activities and/or withdrawal or denial of the certificate of good practice of the county in question as provided in chapter 136-04 WAC.

WAC 136-300-090 Submittal of annual report.

The county road administration board shall prepare and distribute to all counties standard reporting forms for use by the county engineer to annually summarize the pavement preservation activities, both CAPA and non-CAPA funded, in his or her county. For all CAPA-funded work, the report will require a specific listing of roads improved including a definition of scope of work and the amount of CAPA funds expended.

At any time prior to April 1st of the year following, the county engineer shall, in conjunction with the annual construction report required by WAC 136-16-050, submit an annual summary of pavement preservation activities on the entire paved road system. This report shall be on the approved forms or in an equivalent format.

2.E. COUNTY FERRY CAPITAL IMPROVEMENT PROGRAM RULES

CHAPTER NUMBER	TITLE	ORIGINAL ADOPTION	LAST REVISION	REVISION NUMBER
400	Administration of the County Ferry Capital Improvement Program	10/9/1991	10/29/1998	2

ADMINISTRATION OF THE COUNTY FERRY CAPITAL IMPROVEMENT PROGRAM

WAC 136 CHAPTER 400

WAC 136-400-010 Purpose and authority.
RCW 47.56.725(4) provides that the county road administration board may evaluate requests for ferry capital improvement funds by Pierce, Skagit, Wahkiakum, and Whatcom counties, and, if approved by the board, submit said requests to the legislature for funding. This chapter describes the manner in which the county road administration board will implement the provisions of the act.

WAC 136-400-020 Eligibility.
Counties eligible to apply for ferry capital improvement funds are Pierce, Skagit, Wahkiakum, and Whatcom.

WAC 136-400-030 Definition of ferry capital improvement projects.
Ferry capital improvement projects shall include the following:

(1) Purchase of new vessels;
(2) Major vessel refurbishment (e.g., engines, structural steel, controls) that substantially extends the life of the vessel;
(3) Facility refurbishment/replacement (e.g., complete replacement, major rebuilding or redecking of a dock) that substantially extends the life of the facility;
(4) Installation of items that substantially improve ferry facilities or operations;
(5) Construction of infrastructure that provides new or additional access or increases the capacity of terminal facilities; and/or
(6) Emergency repairs to correct damage to vessels or facilities caused by accidents or natural phenomena.

WAC 136-400-040 Six-year and fourteen-year plan submittal.
Each county's six-year program and fourteen-year long range ferry capital improvement plan shall be prepared and adopted in accordance with RCW 36.81.121 and 36.54.015, respectively, and one copy shall be forwarded to the county road administration board no later than December 31st of each year. The county's six-year and fourteen-year ferry capital improvement plan submitted in each odd-numbered year shall include all projects for which the county may request ferry capital improvement funds during the biennium beginning on July 1st of that year. Project cost estimates shall be considered preliminary until a project application is submitted.

WAC 136-400-050 Project application.
Each application by a county for ferry capital improvement funds shall be made no later than January 1st of even-numbered years for the biennium beginning on July 1st of the next odd-numbered year. The information submitted to the county road administration board shall include the application form and sufficient engineering drawings to accurately describe the project.

Project applications shall be submitted on application forms supplied by the county road administration board and shall include the following information:

(1) Project description and scope;
(2) Engineering analysis and cost estimate;
(3) Evidence of application for outside funding through the public works trust fund or any other available revenue source;
(4) Plan for utilization of outside funding that has been, will be, or may be awarded; and
(5) Comprehensive project amortization and cash flow schedules.

WAC 136-400-060 Technical review committee.
A technical review committee shall be created to review project applications for ferry capital improvement funds composed of the following members or their designees: Executive director of the county road administration board, WSDOT assistant secretary for transaid, a WSDOT marine division engineer, and public works department representatives from each of the four participating counties. The county representatives shall serve as ex officio, non-voting members of the technical review committee. The technical review committee shall recommend approval of projects that have been submitted in a timely manner and that:

(1) Meet the applicable statutes and the standards of this chapter; and
(2) Adhere to commonly held engineering practices and cost effectiveness.

The technical review committee shall recommend an appropriate local match on a project by project basis based upon the availability of local matching funds. Written reports on each project recommended for approval shall be submitted to the county road administration board no later than thirty days prior to its regularly scheduled spring meeting. Technical review committee meetings shall be convened on an "as needed" basis by the executive director of county road administration board, who shall serve as chairperson.

WAC 136-400-070 County road administration board action.
The county road administration board shall review project applications, along with the recommendations of the technical review committee, at its regular spring meeting in even-numbered years. At that time it shall approve those projects which it finds:

(1) Meet the applicable statutes and the standards of this chapter; and
(2) Adhere to commonly held engineering practices and cost effectiveness, specifying the amount of approved funding which it recommends for such projects.

The board shall determine a local matching percentage on a case by case basis, considering the availability of local matching funds and the recommendation of the technical review committee. Emergent projects may be considered by the county road administration board at any time upon recommendation by the executive director. The board shall require evidence that each applicant has first sought funding through the public works trust fund, and other available revenue sources.

WAC 136-400-080 Funding by the legislature.
County ferry capital improvement project requests approved by the county road administration board shall be submitted to the legislature for funding out of amounts available under RCW 46.68.100(3) as part of the biennial or supplemental budget request of the county road administration board.

The county road administration board shall, within ten days of the signing of the transportation budget, notify each county having an approved project of such approval and of the amount of ferry capital improvement funding allocated to each approved project. The county road administration board shall offer each county a contract for each approved project setting forth the terms and conditions under which funds will be provided.

WAC 136-400-090 Limitation on use of ferry capital improvement funds.
Ferry capital improvement funds may be used for project design, construction, and right of way costs incurred after legislative approval. Emergency project costs may be eligible for retroactive payment upon approval by the county road administration board.

WAC 136-400-100 Terms of CRAB/county contract.
The CRAB/county contract shall include, but not be limited to, the following provisions:

(1) Such contract shall be valid and binding (and the county shall be entitled to receive ferry capital improvement funds) only if such contract is signed and returned to the county road administration board within forty-five days of its mailing by the county road administration board.
(2) The project will be constructed in accordance with: (a) The information furnished to the county road administration board; and (b) The plans and specifications prepared under the supervision of the county engineer.

(3) The county will notify the county road administration board when a contract has been awarded and when construction has started, and when the project has been completed.

(4) The county road administration board will reimburse counties on the basis of progress vouchers received and approved on individual projects, subject to the availability of ferry capital improvement funds appropriated by the legislature.

(5) The county will reimburse the county road administration board in the event that a project post audit reveals ineligible expenditure of ferry capital improvement funds. Said funds will be returned to the county-wide fuel tax account for distribution in accordance with RCW 46.68.120.

WAC 136-400-110 Voucher approval and payment.

The county road administration board shall prepare and distribute to all counties with approved ferry capital improvement projects, voucher forms for use in requesting progress and final payments for each approved ferry capital improvement project.

The county constructing each ferry capital improvement project may submit vouchers monthly as the work progresses and shall submit a final voucher after completion of each project for payment of the approved and funded share of the project cost.

The county road administration board shall approve such vouchers for payment to the county submitting the voucher. Ferry capital improvement fund warrants shall be transmitted directly to each county submitting a voucher. In the event that project funds remain unspent after the final project payment has been made, the unspent balance will be returned to the county-wide fuel tax account for distribution in accordance with RCW 46.68.120.

WAC 136-400-120 Audit requirements.

Audits of county ferry capital improvement projects may be conducted by the state auditor's office and will normally be conducted in conjunction with the county audits required by RCW 43.09.260 and 36.80.080. Special audits of specific ferry capital improvement projects not required by these statutes may be accomplished at the request, and at the expense of the county road administration board.

An audit of any county ferry capital improvement project shall include, but not be limited to, a review of the county's compliance with the provisions of the statute and these rules. The audit shall also include a review of the financial accounting and reporting of those funds associated with and received for the ferry capital improvement project.

In the event that an exception is noted in the audit report the county road administration board shall evaluate the noted discrepancy. Discrepancies may be cause for the county road administration board to order the payback of improperly expended ferry capital improvement funds as provided in the county road administration board/county contract. Any such funds returned by a county to the county road administration board shall be returned to the county-wide fuel tax account for distribution in accordance with RCW 46.68.120.

WAC 136-400-130 Delegation of authority.

In order to ensure effective and timely administration of the county ferry capital improvement program, the county road administration board or its executive director may delegate, in writing, its authority under this chapter.

3.A. INSTRUCTIONS FOR COMPLETING RAP PROJECT PROSPECTUSES AND WORKSHEETS

INSTRUCTIONS FOR COMPLETING RAP PROJECT PROSPECTUS AND WORKSHEETS

1) The RAP Project Prospectus shall include the following:

   a) Final Project Prospectus cover sheet

   b) Vicinity Map showing project location

   c) Project Narrative

   d) Typical Roadway Section of existing and proposed improvement

   e) RAP Rating Worksheets for the proper region

2) The Project Prospectus sheet, Vicinity Map, Project Narrative, and Worksheet Recap shall show the Road Number.

3) The County Engineer and the appropriate County Official must sign the Project Prospectus sheet.

4) The Project Vicinity Map should show sufficient detail to allow the CRABoard to locate the project and its' limits.

5) The Project Narrative should include a brief history of why the project is being submitted for RAP consideration and **what specific deficiencies will be improved to design standards**.

6) Preliminary Prospectuses shall be submitted to the CRAB office no later than February 28th of the even numbered year prior to the biennium for which RATA funds are being requested. Preliminary Prospectuses shall include a vicinity map showing the project and a brief narrative of why the project is being submitted for consideration. Surface Ratings will be done in each region by a single CRAB Engineer and will be forwarded to each county soon after June 30th of the same year.

7) Rating points can be claimed only for substandard conditions that the proposed project will improve, unless a design deviation (requested through WSDOT TransAid) for that specific condition is being requested. Design Standards are those contained in the Local Agency Guidelines. The total points claimed, in any case, shall be scaled to reflect the percent of design standard that the condition is going to be improved to according to the appropriate design standard dimensions.

8) The complete Project prospectus shall be submitted to the CRAB office no later than September 1st of even years.

3.B. RURAL ARTERIAL PROGRAM REQUEST FOR PAYMENT

COUNTY ROAD ADMINISTRATION BOARD

RURAL ARTERIAL PROGRAM REQUEST FOR PAYMENT

COUNTY REQUESTING PAYMENT:

RETURN PAYMENT TO:

ADDRESS: STATE: ZIP:

CITY:

PROJECT NAME:

LOCAL CRP NUMBER:	PROJECT NUMBER:	PAYMENT REQUEST #:	FINAL REQUEST?	YES	NO

	TOTAL EXPENDITURES PRIOR PERIODS	TOTAL EXPENDITURES THIS PERIOD	TOTAL EXPENDITURES TO DATE	ELIGIBLE EXPENDITURES TO DATE
PRELIMINARY ENGINEERING			-	
RIGHT OF WAY			-	
CONTRACT CONSTRUCTION			-	
DAY LABOR CONSTRUCTION			-	
TOTAL			-	-

* PRELIMINARY ENGINEERING IS ELIGIBLE FOR RAP FUNDING IN THE NER, NWR, PSR, AND SER. ALL REGIONS BEGINNING '95 - '97 PROJECTS.

* RIGHT OF WAY IS ELIGIBLE FOR RAP FUNDING IN THE NER, PSR, SER, (AND NWR BEGINNING '95 - '97 BIENNIUM PROJECTS)

INCLUDE CONSTRUCTION ENGINEERING IN CONSTRUCTION EXPENDITURES.

X REGIONAL MATCHING RATIO	
= TOTAL ELIGIBLE FOR RATA TO DATE	
- PREVIOUS PAYMENTS	
= RATA CLAIMED THIS PERIOD	0

I CERTIFY THAT THE WORK COVERED BY THIS VOUCHER HAS BEEN COMPLETED IN ACCORDANCE WITH THE SUBJECT PROJECT PLANS AND SPECIFICATIONS.

I CERTIFY THAT THE COSTS SHOWN IN THIS VOUCHER ARE TRUE AND CORRECT; THE NET AMOUNT CLAIMED IS DUE AND PAYABLE FROM THE RURAL ARTERIAL TRUST ACCOUNT UNDER THE TERMS OF APPLICABLE LAWS, RULES, REGULATIONS, AND PROCEDURES; NO CLAIM HAS BEEN PRESENTED TO OR PAYMENT MADE FOR THE AMOUNT FOR WHICH IS CLAIMED HEREIN; CLAIM DOES NOT EXCEED THE RURAL ARTERIAL TRUST ACCOUNT SHARE OF THE COSTS INCURRED TO DATE OF THIS CLAIM; AND DOES NOT EXCEED THE APPROVED ALLOCATION FOR THIS PROJECT; AND I AM AUTHORIZED TO SIGN FOR CLAIMANT.

REGISTERED ENGINEER IN CHARGE SIGNEE TITLE DATE

ACCOUNTING CLASSIFICATION - FOR OFFICE USE ONLY

TC	FUND	APPROP.	PROGRAM	OBJECT	PROJECT	SUB PROJECT	NET AMOUNT	PAYMENT NO.
210	102	A30	3000	NZ				

APPROVED BY: FOR RURAL ARTERIAL PROGRAM	RECEIVING VERIFICATION:	DATE RECEIVED
CHECKED AND APPROVED FOR PROCESSING BY: DATE:	WARRANT REGISTER NO.	VOUCHER NO.

3.C. PROJECT NOTIFICATION

STATE OF WASHINGTON
COUNTY ROAD ADMINISTRATION BOARD
RURAL ARTERIAL PROGRAM

PROJECT NOTIFICATION

WAC 136-170-030

Part One – Award of Contract Notification

County:_____ Name of Road:_____

From M.P.:_____ To M.P.:_____ Local CRP No.:_____

Road No.:_____

Project Number:_____

Contract Awarded to: _____
Address: _____
_____
_____
_____

Date contract Awarded:_____
Engineer's Estimate: _____ Contract Amount:_____

Part Two – Completion of Project Notification

Date of Completion: _____

Project Cost:		Project Funding:	
P.E.	_____	RAP	_____
R/W	_____	Local	_____
Contract Construction	_____	Federal	_____
Day Labor Const.	_____	Other	_____
Total:	$_____	Total:	$_____

Part Three – CRAB Field Review

Date Reviewed in Field: **By:**
Comments:_____
_____
_____
_____

For CRAB Office Use Only

3.D. RATA FUND INCREASE REQUEST

RATA FUND INCREASE REQUEST
COUNTY ROAD ADMINISTRATIO BOARD
WAC 136-165

COUNTY_____ ROAD NAME_____ PROJ NO._____
BEGIN M.P._____ END M.P._____
ORIGINAL RATA AMOUNT_____ INCREASE AMOUNT_____ % OVER ORIGNIAL AMOUNT_____
Analysis of Increase (attach additional sheets if necessary)
WAC 136-165-030(1)

(A) At the time of preparing your final project prospectus, did you consider the following factors? If you answer no, please explain

Yes	No	WAC 136-165-020(4)	
☐	☐	(a)	Availability of matching funds.
☐	☐	(b)	Technical data such as topographic maps, reconnaissance reports, surface and subsurface geotechnical data, hydraulic and hydrological data, sources of materials, applicable design standards, and preliminary engineering.
☐	☐	(c)	Required permits.
☐	☐	(d)	Right-of-Way easements.
☐	☐	(e)	Availability of contractors.
☐	☐	(f)	Utility relocation.
☐	☐	(g)	Projected labor, equipment & materials costs.
☐	☐	(h)	Development timetable relating to other work activities.

(B) Is your request based on the following extraordinary unforeseeable circumstances? If you answer yes, please explain.

Yes	No	WAC 136-165-020(5)	
☐	☐	(a)	Relied on existing technical data, which were later found to be in error.
☐	☐	(b)	Permit requirements substantially changed.
☐	☐	(c)	Anticipated supplementary funds became unavailable.
☐	☐	(d)	Design standards changed.
☐	☐	(e)	Start of construction significantly delayed or legal action added to construction requirements.

(C) Is it feasible to reduce scope and/or project limits so the project can be substantially constructed within the initial RATA allocation?
Yes_____ No_____ If your answer is no, please explain.

(D) Is this request to pay for an expansion of the project?
Yes_____ No_____ If your answer is yes, please explain.

(E) Will this increased allocation have an adverse effect on other approved or requested RATA funded projects?
Yes_____ No_____ If your answer is yes, please explain.

List the Major Contract or Engineering Items Causing the Increase

	Item:	**Original Cost:**	**Updated Cost::**
1	_____	_____	_____
2	_____	_____	_____
3	_____	_____	_____
4	_____	_____	_____
5	_____	_____	_____
6	_____	_____	_____
7	_____	_____	_____

This request is in accordance with WAC 136-165 _____ _____
County Engineer Date

NOTE:
Increases greater than $100,000 or 25% must gain CRABoard approval.
Cost increases during the course of construction are the county's responsibility.
Increases in excess of 50% of original RATA will not be granted. WAC 136-165-020(2)

3.E. PROJECT AGREEMENT FOR CONSTRUCTION PROPOSAL

STATE OF WASHINGTON
COUNTY ROAD ADMINISTRATION BOARD

RURAL ARTERIAL PROGRAM
PROJECT AGREEMENT FOR CONSTRUCTION PROPOSAL

Submitting County:

Project Number: Road No. And Sequencer:

Name of Road: M.P. _____To_____M.P.

Approval Date:

TOTAL AMOUNT OF AUTHORIZED RATA FUNDS: $

IN CONSIDERATION of the allocation by the County Road Administration Board (CRABoard) of rural arterial trust account (RATA) funds to the project in the amount set out above, the county hereby agrees that as condition precedent to payment of any RATA funds allocated at any time to the above referenced project, it accepts and will comply with the terms of this agreement, including the terms and conditions set forth in Chapter 49, Laws of 1983, 1st Ex. Sess. (RCW 36.79); the applicable rules and regulations of the CRABoard (WAC 136-100 et.seq.) and all representations made to the CRABoard upon which the fund allocation was based; all of which are familiar to and within the knowledge of the county and are incorporated herein and made a part of this agreement, although not attached. The officer of the county, by his/her signature below, hereby certifies on behalf of the county that matching funds and other funds represented to be committed to the project will be available as necessary to implement the projected development of the project as set forth in the construction proposal prospectus, and acknowledges that funds hereby authorized are for the development of the construction proposal as defined by RCW 36.79.

The county hereby agrees and certifies that:

(1) It is in compliance with the provisions of WAC ch. 136-150 regarding eligibility for RATA funds. If the county is found not to be in compliance with the provisions of Chapter 150, such non-compliance may be cause for the CRABoard to withdraw or deny the Certificate of Good Practice of that County.

(2) The project will be constructed in accordance with the information furnished to the CRABoard, and the plans and specifications prepared by the county engineer.

(3) It will notify the CRABoard when a contract has been awarded and/or when construction has started, and when the project has been completed.

(4) It will reimburse the RATA in the event a project post audit reveals improper expenditure of RATA funds.

If the costs of the project exceed the amount of RATA funds authorized by the CRABoard, set forth above, and the required matching funds and other funds represented by the local agency to be committed to the project, the local agency will pay all additional costs necessary to complete the project as submitted to the CRABoard.

IN CONSIDERATION of the promises and performance of the stated conditions by the county, the CRABoard hereby agrees to reimburse the county from RATA funds allocated, and not otherwise, for its reimbursable costs not to exceed the amount above specified. The CRABoard will reimburse counties on the basis of monthly progress payment vouchers received and approved on individual projects in the order in which they are received in the CRABoard office, and subject to the availability of RATA funds apportioned to the region. Such obligation to reimburse RATA funds extends only to project costs incurred after the date of project approval by the CRABoard, «date»

This agreement supercedes all prior agreements issued using the project and work order numbers listed above and **shall be valid and binding only if it is signed and returned to the CRABoard office within 45 days of its mailing by the CRABoard.**

COUNTY ROAD ADMINISTRATION BOARD: **COUNTY:**

By: _____ By: _____

Date: _____ Date:

_____

3.F. REGIONAL WORKSHEETS

NER RAP Rating Worksheet
WAC 136-130-050
Sheet 1 of 10

County: _____
Project Name: _____
Project No.: _____
(from prospectus)

Project Type: (Mark one Box)

3r	RECOM	FA. BRIDGE

(SA Bridge falls in 3R if Rehab. Or in Recon if to be Replaced)

PRIORITY RATING FORMULA (WAC 136-130-050)

$$\mathbf{RP} = 2.5[\mathbf{SR}^{1.25} \quad \mathrm{LOG}(100/\mathbf{CR})] + \mathbf{LM} \qquad = \boxed{}$$

where:
RP = Priority Rating (Type in WSBIS Rating if F.A. Bridge)
SR = Service Rating
CR = Condition Rating
LM = Local Significance + Missing Link Rating

WORKSHEET SUMMARY

		Possible Points	Scored Points	
SR	**S**ervice **R**ating is made up of:			
	Traffic Equivalency	40	_____	
	Accidents	10	_____	
	Subtotal	50		SR
CR	**C**ondition **R**ating is made up of:			
	1. Structural Condition			
	Surface Condition	30	0	
	Subsurface Condition	20	0	
	Subtotal	50	0	
	Structural Condition 3R = Subtotal x 1.5		_____	
	Structural Condition Recon. = Subtotal x1.0		_____	
	2. Geometric Condition			
	Horizontal Alignment	15	0	
	Vertical Alignment	15	0	
	Less Pass. Sight Dist (Recon Only (Subtotal Min Value is 2 points)	-5	0	
	Width	20	0	
	Subtotal	50(+)	0	
	Geometric Cond. Rating for 3R = Subtotal x 0.5		_____	
	Geometric Cond. Rating for reconstr. = Subtotal x 1.0		_____	
				CR
	TOTAL CONDITION RATING = Struct Cond. + Geometric Cond.			
LM				
	Local Significance Rating (see sheet 10)	10	_____	
	Missing Link Rating (see sheet 10)	10	_____	
				LL

Note: 1. Points for the Structural Condition portion of the Condition Rating will be assigned by the RAP Engineer.
2. No credit is allowed for conditions which are not improved.

Proposals below design standards require WSDOT Deviation approval.

SERVICE RATING (50 Points Max.)

I. TRAFFIC VOLUME EQUIVALENCY (40 Points Max.)

1. AADT (Annual Average and Seasonally Adjusted)/5 = _____ (400 Max)

2. Truck County* = _____ X 40 = _____ (2400 Max)

   Use one of the following methods:
   - Actual Seasonal, (30-Day truck county), or
   - Calculated/Estimated Methods on Sheet 5, or
   - 10% of AADT if no truck counts or estimates (sheet 5) are done.

   *max allowable is 40% of AADT
   *Attach Backup calculations/justification of Truck Traffic data.

3. Use and Need Traffic Equivalency (Use Worksheets 3 & 4)

   a. Economy (50 points max.)
      From worksheet 3 ____0____ X 8 = _____ (400 Max)
   b. Use (50 points max.)
      From worksheet 34 ____0____ X 8 = _____ (400 Max)

TOTAL TRAFFIC VOLUME EQUIVALENCY (Sum of 1, 2, and 3) _____ (3600 Max)

POINTS FROM TRAFFIC VOLUM EQUIVALENCY (From Above)

Equivalency	0	450	900	1350	1800	2250	2700		3600
Points	0	5	10	15	20	25	30		40

TRAFFIC VOLUME EQUIVALENCY _____ (40 Max)
(=Equivalency pts / 90)

II. ACCIDENTS (10 Points Max.)

Total Number of Accidents for Past 3 Years = _____ ← Use the three most recent consecutive years for which data is available

Total Number of Fatal Accidents for Past 3 Years = _____

Accidents per Mile = Total Accidents + (3 x Fatal Accidents) / Length of Project in Miles = _____ (Accidents/mile) ← (enter project length)

Accidents/Mile	0	1	2	3	4	5
Points	0	2	4	6	8	10

(must be ≤ 10)

TRAFFIC VOLUME EQUIVALENCY _____ (40 Points Max.)
ACCIDENTS _____ (10 Points Max.)

TOTAL SERVICE RATING _____ (40 Points Max.)

USE AND NEED WORKSHEETS (Circle the appropriate value as defined below)

ECONOMY RATING SCALE CHART:												POINTS ASSIGNED:
Grain Crops	0	1	2	3	4	5	6	7	8	9	10	
Other Field Crops	0	1	2	3	4	5	6	7	8	9	10	
Horticulture	0	1	2	3	4	5	6	7	8	9	10	
Dairy/Livestock	0	1	2	3	4	5	6	7	8	9	10	
Logging	0	1	2	3	4	5	6	7	8	9	10	
Industry/Mining	0	1	2	3	4	5	6	7	8	9	10	
Recreation	0	1	2	3	4	5	6	7	8	9	10	

TOTAL _____

ECONOMY CATEGORIES:

Grain Crops	Any of the cereal grains, wheat, barley, oats
Other Field Crops	Corn, potatoes, vegetables, hay, melons, etc.
Horticulture	Fruit, grapes, nuts, berries, hops, etc.
Dairy/Livestock	Dairy or beef cattle, sheep, goats, chickens, etc.
Logging	Public or private forest lands with salable timber
Industry/Mining	Manufacturing, mining, commercial, etc.
Recreation	Hunting, fishing, water or snow sports, ORV's, etc.

RATING VALUE DEFINITIONS:

INSTRUCTIONS: Start at the top and proceed down the list until you find the "adjacent category land use" and/or "direct access to category area" that applied to your road. Read the allowable rating points on the far left.

RATING	ADJACENT CATEGORY LAND USE		DIRECT ACCESS TO CATEGORY AREA
10	100%	**AND**	> 200 mi^2
9	≤ 100%	**AND**	≤ 200 mi^2
8	≤ 50%	**AND**	≤ 100 mi^2
7	≥ 25%	**AND**	≥ 25 mi^2
6	≤ 100%	**OR**	> 200 mi^2
5	≤ 50%	**OR**	100 - 199 mi^2
4	Frequently used for indirect access to category area > 200 mi^2		
3	< 25%	**OR**	50 - 99 mi^2
2	None	**AND**	25 - 49 mi^2
1	Occasionally used for indirect access to rated category		
0	None		None

TOTAL _____ (50 Max.)
Enter in ECONOMY portion of USE AND NEED

USE RATING SCALE CHART:												POINTS ASSIGNED:
Commercial Haul	0	1	2	3	4	5	6	7	8	9	10	
Farm to market	0	1	2	3	4	5	6	7	8	9	10	
Military	0	1	2	3	4	5	6	7	8	9	10	
Connector Route	0	1	2	3	4	5	6	7	8	9	10	
Community	0	1	2	3	4	5	6	7	8	9	10	

TOTAL _____

USE CATEGORIES:

Commercial	Route to shipping, processing, storage, manufacturing
Farm to Market	Route to supplies, materials, point of sale, etc.
Military	Route to Military post, base, or other facility
Connector Route	Route connecting communities, settlements, etc.
Community	Route to school, church, grange, fire station, shopping, etc.

RATING VALUE DEFINITIONS:

0 – Not Applicable

1 – Occasionally used for indirect access to rated category

2 – Secondary route to single local facility

3 – Primary route to single local facility

4 – Frequently used for indirect access to multiple local facilities

5 – Secondary/Parallel route to multiple local facilities

6 – Secondary/Parallel route to regional facility

7 – Primary route for transport of raw materials or persons from source to facility

8 – Primary route to rated category or only route to multiple local facilities

9 – Only route to rated category or primary route to regional facility

10 – Multiple, local or regional facility within project limits

TOTAL _____ (50 Max.)
Enter in ECONOMY portion of USE AND NEED

METHODS OF CALCULATING/ESTIMATING TRUCK VOLUMES

GRAIN CROPS

1 Field acreage using arterial as haul route to farm delivery site, yield per acre translated into truck trips, length of harvest to determine approximate truck trips per day

2 Farm storage available which would use arterial, translated into truck loads, divide into time period to haul to market

3 Commercial storage available, develop truck loads of storage, divide into time period to ship to ferry/unit train loading facility

OTHER FIELD CROPS

1 Field acreage using arterial as haul route to storage, processing or packaging location, yield per acre translated into truck trips, length of harvest to determine approximate truck trips per day

2 Storage, processing and packaging facilities interviewed to determine information regarding times and amounts of commodity transportation

HORTICULTURE

1 Orchard, vineyard, patch, etc., crop yield equated to truck volumes during harvest period to yield trucks per day

DAIRY/LIVESTOCK

1 Number of animals converted to truck loads, movements to new housing, feed lots, or market for time period translated to trucks per day

2 Feed and supplies based upon number of animals translated to trucks per day

LOGGING

1 Acres of harvestable timber translated to board feet, then to truck loads, based upon the number of days to accomplish the harvest to obtain trucks per day

INDUSTRIAL/MINING

1 Obtain information on truck volumes from operator of facility

RECREATION

1 Obtain information on large RV's using facility from operator

Note: A TRUCK is defined as any motor vehicle with more than four (4) tires contacting the road.

CONDITION RATING (100 Points Max.)

STRUCTURAL CONDITION: ASPHALT (50 Points Max.)

SURFACE CONDITION (30 Points Max.)

CONDITION:		POINTS	DESCRIPTION	
Excellent	--	**30**	Excellent	Tight surface with no slick or porous areas, no cracks or spalling
Good	--	**25**	Good	Only minor, localized transverse cracks, slick or porous areas
Adequate	--	**20**	Adequate	Minor, localized, longitudinal cracks; rutting, spalling or raveling; minor seal patching has been required; some transverse cracking
Fair	--	**15**	Fair	Small areas that have required patching; larger areas have required seal patching; some longitudinal cracks, spalling, rutting, or raveling
Marginal	--	**10**	Marginal	Several areas that have required moderate to heavy patching; moderate to heavy cracking, spalling, rutting, or raveling
Poor	--	**5**	Poor	Large areas that have required asphalt patching and frequent seal coating; heavy cracking, spalling, rutting, and/or raveling
Very Poor	--	**1**	Very Poor	Broken pavement, large areas throughout section that have required extensive patching; very heavy cracking, spalling, rutting, and/or raveling

SUBSURFACE CONDITION (20 Points Max.)

CONDITION:		POINTS	DESCRIPTION	
Excellent	--	**20**	Excellent	No signs of displacement or settling
Good	--	**15**	Good	Minor localized sags along shoulder
Fair	--	**10**	Fair	Moderate alligator cracking mid-lane, some sags on shoulders and mid-lane, minor localized settling
Poor	--	**5**	Poor	Large areas of heavy alligator cracking, extensive sagging and settling
Very Poor	--	**1**	Very Poor	Major subgrade deterioration; extensive deep sags and settling; heavy alligator cracking throughout section

Surface Condition
Subsurface Condition
STRUCTURAL TOTAL – ASPHALT _____

STRUCTURAL CONDITION: GRAVEL (50 Points Max.)

STRUCTURAL CONDITION (30 Points Max.)

CONDITION:		POINTS		DESCRIPTION	
Adequate	--	**30**		Adequate	Adequate amount of surface material of proper gradation and well fractured
Fair	--	**15**	---	Fair	Some material but over sized gradation or poorly fractured
Very Poor	--	**1**		Very Poor	No surface material, large loose stones, barely travelable

- Intermediate values are acceptable

Note: If traffic volumes and speed are such that excessive maintenance is required, a minimum rating may be applied.

SUBSURFACE CONDITION (20 Points Max.)

CONDITION:		POINTS		DESCRIPTION	
Adequate	--	**20**		Adequate	Capable of supporting traffic in all weather conditions
Fair	--	**10**	--	Fair	Some localized sagging, settling, rutting, or corrugations
Very Poor	--	**1**		Very Poor	Numerous locations of sags and settling; deep corrugations or rutting, protruding boulders, untravelable in wet weather

- Intermediate values are acceptable

STAND ALONE BRIDGE RATING METHOD:

Stand-alone bridge projects may be submitted as either Category 2(Reconstruction) or Category 3 (3R) RAP projects providing that the priority is computed using the NER RAP Priority Formula. Category 3 bridge projects must bring the sufficiency rating up to a minimum value of 80.

To rate a structure, use the WSDOT SWIBS Rating Number (normalized/adjusted by State DOT after inspection) as the TOTAL CONDITION RATING in the priority rating formula.

Surface Condition
Subsurface Condition
STRUCTURAL TOTAL – GRAVEL ONLY _____

GEOMETRIC CONDITION (50 Points Max.)

HORIZONTAL ALIGNMENT (15 Points Max.)

STANDARD DESIGN SPEEDS

TERRAIN	ADT < 400	ADT 400-2000	ADT > 2000	MPH	MAX DEGREE OF CURVE
Flat	50	40	50	50	7
Rolling	40	40	50	40	11.5
Mountainous	30	30	40	30	21

POINTS:	DESCRIPTIONS:	
15	Excellent	All existing alignment is better than design standards
10	Adequate	(Recon) = All curves on existing roadway are equal to design standards or within 5 MPH below design standards (3R) = All curves on existing roadway reasonably conform to design standards
5	Poor	One or more substandard curves 10 MPH below design standards
1	Very Poor	One or more substandard curves 15 MPH below design standards

HORIZONTAL ALIGNMENT POINTS _____ (15 Points Max.)

VERTICALL ALIGNMENT (15 Points Max.)

STANDARD GRADES (MAX.)

TERRAIN	< 400	400-2000	> 2000
Flat	7	6	6
Rolling	9	8	7
Mountainous	12	10	10

POINTS:	DESCRIPTIONS:	
15	Excellent	No portion of roadway exceeds standard grade
10	Adequate	Short sections exceed standard grade
5	Poor	5% of project exceeds standard grade
1	Very Poor	10% or more of project exceeds standard grade

HORIZONTAL ALIGNMENT POINTS _____ (15 Points Max.)

GEOMETRIC CONDITION (continued)

PASSING SIGHT DISTANCE (5 Points Max. Reconstruction only)

POINTS	% Of Total Section save to Pass
0	100
1	80
2	60
3	45
4	35
5	<20

Design Speed	30	40	50
Min Passing Sight Distance	400	600	800

Use MUTCD standards for no passing zones (3B-5)

% of Section Safe to Pass =

$$\frac{\text{Length of Project where Safe to Pass X 100}}{\text{Total Project Length}}$$

HORIZONTAL ALIGNMENT POINTS _____ (15 Points Max.)

WIDTH OF ROADWAY – Shoulder to Shoulder (20 Points Max)

POINTS:	Feet of Width below New Const. or 3R Standards (10% of project length or more)
1	7
4	6
7	5
10	4
13	3
16	2
18	1
20	0

ADT	New/Re-Const. Standard	3R Standard	3RStnd <10% trucks	Check One
				←
< 400	28	24	24	
400-2000	34	26	24	
> 2000	40	32	30	

Existing Roadway width _____

WIDTH OF ROADWAY POINTS _____

MISSING LINK STATUS

1) Description: Explain the missing link characteristics of this project

2) Missing Link Rating:

POINTS:	DEFINITION:
10	Between two RAP funded sections
9	Between a RAP funded section and a section improved with other funds
8	Between a RAP funded section and an urban boundary or city limits
7	Between a RAP funded section and a state highway
6	Between two Federal funded sections
5	The end section of two or more RAP funded sections
4	An isolated section some distance between two other improved or funded sections on the same road (The other funded sections must both be no more than 3 miles from the project)
3	On the Freight and Goods Transportation System
2	On the regional system recognized by the RTPO
1	Between two urban areas or two state highways, or one of each

3) Conditions for missing link points:

The project can qualify for only one category of points above.
"Improved" means the work has been completed within the last ten (10) years
"Between" means adjacent to
*For each county, only one project per biennium is allowed missing link points

MISSING LINK POINTS _____ (10 Points Max.)

LOCAL SIGNIFICANCE:

This route is determined to be of highest Local Significance.
(Insert a brief description of the local significance of this route/project)

For each county, only one project per biennium is allowed local significance points

10 POINTS ASSIGNED _____ (check here)

Concurrence by _____
(Public Works Director/County Engineer) (Date)

County: _____

Project Name: _____

Project No.: _____

(from prospectus)

WORKSHEET RECAP

		Possible Points	Scored Points
TRAFFIC VOLUME		10	
TRAFFIC ACCIDENTS		10	
STRUCTURAL (Rate only one type)			
Asphalt or L.B.S.T.			
Portland Cement Concrete			
Gravel or Earth			
Visual Rating		10	
Roadrater Rating		30	
	Subtotal	**40**	
GEOMETRICS			
Vertical Alignment		10	
Horizontal Alignment		10	
Width		20	
	Subtotal	**40**	
SPECIAL			
Major Collector (07)		5	
Minor or Principal Arterial (06, 02)		10	
	Subtotal	**10**	
TOTAL NWR RAP WORKSHEET RATING:		**110**	

Note:
1. Points for Visual Rating portion of the STRUCTURAL RATING will be assigned by the RAP Engineer.
2. No points are allowed for conditions which are not going to be improved by the proposed project.

TRAFFIC VOLUME (10 Points Max.)

Current Est. ADT = [ ] Current Est. Truck ADT (if known) = [ ]

Determine Traffic Volume Rating using Table below
ADT – Average Weekday Traffic Volumes

TRAFFIC VOLUME RATING [ ]

TRAFFIC ACCIDENTS (10 Points Max.)

Equivalent Property Damage Only Accidents, Three-Year Average
(indicate number of accidents, not number of fatalities, injuries or property damages)

Year	Prop. Damage No. of accidents	Injury No. of accidents	Fatality No. of accidents
1998			
1999			
2000			
Subtotal	_____	_____	_____
Factor	X1	X6	X25

= [ ] + [ ] + [ ] = [ ]

[ ] ÷ 3 ÷ [ ] = [ ]
Total Length in Mi. (Equivalent Acc./Mile)

Determine accident rating using table below

MISSING LINK POINTS [ ]

ACCIDENT AND TRAFFIC RATING TABLE

Average ADT	Average Truck ADT	Equivalent Acc/Mile	Rating Points
<50	<5	0-2	0
50-100	5-10	3-4	1
100-250	10-25	5-6	2
250-500	25-50	7-8	3
500-750	50-75	9-10	4
750-1000	75-100	11-12	5
1000-1250	100-125	13-14	6
1250-1500	125-150	15-16	7
1500-2000	150-200	17-18	8
2000-2500	200-250	19-20	9
>2500	>250	>20	10

Note: Use the highest value of ADT or Truck ADT

ROADWAY STRUCTURAL CONDITION (40 Points Max.)

VISUAL RATING (10 Points Max.)

Roadway shall be structurally rated by the following types: Asphalt and L.B.S.T., Portland Cement Concrete, and Gravel or Earth on the appropriate form. Ratings for the Structural Condition shall be reviewed and adjusted for consistency with rating criteria by the RAP Engineer.

ASPHALT OR L.B.S.T. ONLY

Type of Distress	Degree of Distress	Percentage of Distress			Max. Points	Rating:
		1 – 15%	16 – 30%	> 31%		
Rutting	Slight (1/4″ – ½″)	0	1	2		
	Moderate (1/2″ – 1″	1	2	3	4	
	Severe (1″ or greater)	2	3	4		
Raveling	Slight	0	1	2		
	Moderate	1	2	3	3	
	Severe	2	2	3		
Corrugations	Slight (1/4″ – ½″)	1	3	6		
	Moderate (1/2″ – 1″	3	6	8	10	
	Severe (1″ or greater	6	8	10		
Alligator Cracking	Slight (less than 1/8″)	1	3	5		
	Moderate (1/8″ – ¼″)	3	5	6	8	
	Severe (1/4″ or greater	5	6	8		
Transverse Cracking	Slight (less than 1/8″)	0	1	2		
	Moderate (1/8″ – ¼″)	1	2	3	4	
	Severe (1/4″ or greater	2	3	4		
Longitudinal Cracking	Slight (less than 1/8″)	0	1	2		
	Moderate (1/8″ – ¼″)	1	2	3	4	
	Severe (1/4″ or greater	2	3	4		
Patching	Slight	0	1	2		
	Moderate	1	2	3	4	
	Severe	2	3	4		
Flushing	Slight (Bleeding)	0	1	2		
	Moderate (Course Agg.)	1	2	3	3	
	Severe (Slick)	2	2	3		

Condition rating = Points ÷ 4 = ÷ 4

ROADWAY STRUCTURAL CONDITION RATING – ASPHALT OR L.B.S.T.

ROADWAY STRUCTURAL CONDITION (Continued)

PORTLAND CEMENT CONCRETE PAVEMENT ONLY

Type of Distress	Degree of Distress	Percentage of Distress			Max. Points	Rating:
		1 – 15%	16 – 30%	> 31%		
Cracking	1 – 2 Panel Lengths	1	2	4		
	3 – 4 Panel lengths	2	4	6	8	
	> 4 Panel Lengths	4	6	8		
Raveling	Slight	0	1	2		
	Moderate	1	2	3	3	
	Severe	2	2	3		
Joint Spalling	1/8″ – 1″	1	2	3		
	1″ – 3″	2	3	5	6	
	> 3″	3	5	6		
Pumping	Slight	1	2	3		
	Moderate	2	3	4	5	
	Severe	3	4	5		
Blowups	Number / Mile	1	2	3		
					3	
Faulting	1/8″ – ¼″	1	2	4		
	¼″ – ½″	2	4	6	8	
	> ½″	4	6	8		
Patching	< 5% of Panel	0	1	2		
	6 – 25% of Panel	1	2	3	4	
	> 25% of Panel	2	3	4		
Pavement Wear	< ¼″	0	1	2		
	¼″ – ½″	1	2	3	3	
	> ½″	2	2	3		

Condition rating = Points ÷ 4 = ÷ 4

ROADWAY STRUCTURAL CONDITION RATING – PCC

ROADWAY STRUCTURAL CONDITION (Continued)

GRAVEL OR EARTH ONLY

Note: Rate only those qualities which cannot be readily corrected by maintenance blading.

Type of Distress	Degree of Distress	Percentage of Distress			Max. Points	Rating:
		1 – 15%	16 – 30%	> 31%		
Heaving	Slight	0	1	2		
	Moderate	1	2	3	**4**	
	Severe	2	3	4		
Rutting	Slight	0	1	2		
	Moderate	1	2	3	**4**	
	Severe	2	3	4		
Potholing	Slight	0	1	2		
	Moderate	1	2	3	**4**	
	Severe	2	3	4		
Drainage	Good	0	2	4		
	Fair	2	4	6	**8**	
	Poor	4	6	8		
Surfacing Depth	Good	0	2	4		
	Fair	2	4	6	**10**	
	Poor	6	8	10		
Surface Quality	Good	0	2	4		
	Fair	2	4	6	**10**	
	Poor	6	8	10		

Condition rating = Points ÷ 4 = ÷ 4

ROADWAY STRUCTURAL CONDITION RATING – GRAVEL OR EARTH

ROADWAY STRUCTURAL CONDITION (Continued)

ROADRATER RATING (30 Points Max.)

PROCEDURE

1) Determine the NUMBER OF HEAVY TRUCKS (NHT)

NHT = ADT X (A/100) X B

Where A = percentage of heavy trucks in design lane
A = 50 for a two lane road
A = 45 for a four lane road, and

Where B = Percent of heavy trucks in traffic stream, by actual count

Locate NHT on line C, Figure III-1

2) Determine the GROSS MASS OF HEAVY TRUCKS (GMHT)

GMHT = 25k in Urbanized Rural Area
= 30k in Average Rural Area
= 40k in Heavy Rural Area

Locate GMHT on line D, Figure III-1

3) Connect the values on lines C and D with a straight line; extend line C-D to intersect line B to establish the PIVOT POINT

4) Determine the SINGLE AXLE LOAD LIMIT for line E, Figure III-1

Use 18,000 lbs. For all applications

5) Connect the value for the SINGLE AXLE LOAD LIMIT on line E with the PIVOT POINT on line B and extend the connecting line to line A.

6) Determine the INITIAL TRAFFIC NUMBER (ITN) where extended line E-B intersects line A

FIGURE III-1
TRAFFIC ANALYSIS CHART
(For Determining the Value of the INITIAL TRAFFIC NUMBER)

(insert copy of chart here)

Locate the value of 18,000 lbs.on line E

ROADWAY STRUCTURAL CONDITION (Continued)

To determine the DESIGN TRAFFIC NUMBER (DTN) of the existing roadway enter the DESIGN REBOUND DEFLECTION from the STRUCTURAL ADEQUACY EVALUATION tests made by the Benkelman Beam or Road Rater on the chart below, Figure III-5

FIGURE III-1
TRAFFIC ANALYSIS CHART
(For Determining the Value of the INITIAL TRAFFIC NUMBER)

(insert copy of chart here)

(For Design Rebound Deflections above 0.100 use the min value of 1 for DTN)

	DRD - Benkleman Beam Design Rebound Deflection
	INT - from previous sheet
	DTN – from graph above

Note: When (DTN / ITN) > 1 then Point Value for Structural Rating = 0
Growth factors are assumed to be 0%
Point Value for Structural Rating = **[1 – (DTN / ITN)] X 30 =**

GEOMETRICS (40 Points Max.) p. 1/2

Geometric rating points shall be claimed only for those conditions which will be improved. Total points claimed should be proportional to the percent of substandard sections to be corrected to design standards. If Local Programs grants a design deviation, that is the standard you must correct to.

VERTICAL ALIGNMENT – 10 Points

Using the Design Standards tables below as a guide, determine the adequacy of the vertical alignments.

Standard Grades (% Max)

ADT	<400	400 – 2000	> 2000
FLAT	6	6	6
ROLLING	8	8	7
MOUNTAINOUS	10	10	10

Stopping Sight Distance

DESIGN SPEED	30	35	40	45	50
DISTANCE (ft)	200	250	325	400	475

Points	Condition
0	Good – Less than 2% of project length deviates from design standards
5	Fair – 2% to 5% of project length deviates from design standards
10	Poor – More than 5% of project length deviates from design standards

VERTICAL RATING POINTS

HORIZONTAL ALIGNMENT – 10 Points

Using the Design Standards tables below as a guide, determine the adequacy of the vertical alignments.

Standard Grades (% Max)

ADT	<400	400 – 2000	> 2000	Design Speed	Max Deg of Curve
FLAT	50	50	50	50	7
ROLLING	40	40	50	40	11.5
MOUNTAINOUS	30	40	40	30	21

Points	Condition
0	All existing horizontal curves exceed design standards
5	All existing horizontal curves are equal to or no more than 5 MPH below design standards
10	One or more curves are 10 MPH below design standards

To determine the degree of curve measure along the tangent from either the P.C. or P.T. toward the P.I. a distance of 30.9 ft then measure the distance over to the curve in inches. The number of inches measured is roughly the degree of curve.

HORIZONTAL RATING POINTS

GEOMETRICS (40 Points Max.) p. 2/2

LANE AND SHOULDER WIDTHS – 20 Points

LANE WIDTH (Both sides)

Existing Lane Width (WLE) =

Design Lane Width (WLD) =

SHOULDER WIDTH (One side)

Existing Shoulder Width (WSE) =

Design Shoulder Width (WSD) =

WIDTH RATING (20 Points Max)

[(WLD – WLE) + (WSD – WSE)] X 2.5 = _____ (width rating)

TOTAL GEOMETRIC RATING = SUM OF:

VERTICAL _____
HORIZONTAL + _____
AND WIDTH + _____

TOTAL GEOMETRICS POINTS _____

SPECIAL RATING (10 Points Max.)

If the project is on a Major Collector (07) – add 5 points	5
If the project is on a Rural Minor Arterial (06) – add 10 points	10
If the project is on a Rural Principal Arterial (02) – add 10 points	10

SPECIAL RATING POINTS _____

County: _____

Project Name: _____

Project No.: _____

(from prospectus)

WORKSHEET RECAP

		Possible Points	Scored Points
I. SERVICE RATING			
A. Traffic Volume		20	
B. Accident History		25	
	Subtotal	**45**	
II. CONDITION RATING			
C. Structural Condition		15	
D. Geometric Condition			
1. Horizontal Alignment		8	
2. Vertical Alignment		8	
3. Roadway Width		9	
	Subtotal	**40**	
III. SPECIAL RATING			
E. Special Use & Need		15	
TOTAL PSR RAP WORKSHEET RATING:		**100**	

Proposals below design standards require WSDOT deviation approval.

Rating Points may be assigned only to the extent that the deficient condition will be improved.

I. SERVICE RATING

A. Traffic Volume (20 Points Max.)

Existing ADT _____ ADT Year _____
Or
Existing Truck ADT _____ Truck ADT Year _____

(Determine traffic volume rating using table below)
* ADT = Average Weekday Traffic Volumes

TRAFFIC VOLUME RATING TABLE

Average ADT	Average Trucvk ADT	Points
<400	<40	2
400 – 750	40 – 75	5
750 – 1500	75 – 150	9
1500 - 2500	150 – 250	14
>2500	>250	20

TRAFFIC VOLUME RATING

B. Accident History (25 Points Max.)

Accident history for the three most recent consecutive years. (Indicate number of accidents, not number of fatalities, injuries, or property damages)

Year	**Property Damage Only** accidents	No. of **Injury** accidents	No. of **Fatal** accidents
1998			
1999			
2000			
SUBTOTALS:	X1	X2	X5
TOTAL =	+	+	

ACCIDENT HISTORY RATING

II. CONDITION RATING

C. Structural Condition (15 Points Max.)

Circle the appropriate score for each category

Rutting Pavmnt Wear (inches)	Corrugation % of Roadway			Alligator Cracking Wheel Track Per Station			Raveling Flushing			Longitud. Cracking Lineal Ft/Sta			Transverse Cracking No/Sta			Patching Area/Sta		
(1) 0.25-0.5	(1) 1-25%			(1) 1-24%			(1) Local			(1) 1-99			(1) 1-4			(1) 1-5%		
(2) 0.5-0.75	(2) 26-75%			(2) 25-49%			(2) Whl Path			(2) 100-199			(2) 5-9			(2) 6-25%		
(3)> 0.75	(3)> 75%			(3) 50-74%			(3) Ent Lane			(3) >200			(3) >10			(3) >25%		
	A	**B**	**C**	**D**	**E**	**F**	**G**	**H**	**I**	**J**	**K**	**L**	**M**	**N**	**O**	**P**	**Q**	**R**
1	0	1	2	1	3	6	1	2	3	1	2	4	1	2	3	1	2	3
2	1	2	3	3	6	9	2	3	4	2	4	6	2	3	4	2	3	4
3	2	3	4	6	9	12	3	4	5	4	6	8	3	4	5	3	4	5
4				9	12	15												

ACCIDENT HISTORY RATING

A	1/8″ 2″ change/10′	**J**	< ¼″ wide
B	2 – 4″ change/10′	**K**	> ¼″ wide
C	> 4″ change 10′	**L**	Spalled
D	Hairline	**M**	< ¼″ wide
E	Spalled	**N**	> ¼″ wide
F	Spalling & Pumping	**O**	Spalled
G	Slight	**P**	0.10 – 0.50″ thick
H	Moderate	**Q**	0.50 – 1.00″ thick
I	Severe	**R**	> 1.,00″thick

For Structural Rating of stand alone bridge projects use the following formula:

(100 – SWIBS Sufficiency Rating) 6 ÷ (15 Points Max)

BRIDGE STRUCTURAL CONDITION RATING = (100 - _____) ÷ 6 =

II. CONDITION RATING (Continued)

D. Geometric Condition (25 Points Max.)

1. Horizontal Alignment (8 Points Max.)
Using the DESIGN STANDARDS table below as a guide, determine the adequacy of the horizontal alignment.

	ADT:			
TERRAIN:	< 400	400 – 2000	> 2000	Max Degree of Curve
FLAT	50	50	50	7
ROLLING	40	40	50	11.5
MOUNTAINOUS	30	30	40	21

Points	Condition
0	All existing alignment is better than design standards
3	All existing curves are equal to design standards or within 5 MPH below design standards
6	One or more substandard curves 10 MPH below design standards
8	One or more substandard curves 15 MPH below design standards

HORIZONTAL ALIGNMENT TOTAL POINTS

2. Vertical Alignment (8 Points Max.)
Using the DESIGN STANDARDS tables below as a guide, determine the adequacy of the vertical alignment.

Standard Grades (% max.):				Required Stopping Sight Distance:			
	ADT:						
TERRAIN:	< 400	400 – 2000	> 2000				
				Design Speed	30	40	50
FLAT	6	6	6				
ROLLING	8	8	7	Distance (feet)	200	275	400
MOUNTAINOUS	10	10	10				

Points	Condition
0	No portion of roadway deviates from design standards
3	Short sections of the project deviates from design standards
6	5% of the project deviates from design standards
8	10% of the project deviates from design standards

VERTICAL ALIGNMENT TOTAL POINTS

3. Roadway Width (9 Points Max.)
Using the DESIGN STANDARDS table below, determine the adequacy of the existing lane and shoulder widths

	Total Lane Width (ft)			Shoulder Width (ft)		
ADT	Good	Fair	Poor	Good	Fair	Poor
<400	> 22	20 – 22	<20	>3	2 – 3	<2
400 – 2000	> 22	20 – 22	<20	>6	4 – 6	<4
> 2000	> 24	22 – 24	< 22	> 8	6 – 8	< 6

Rating

Total Lane Width = _____ Good (0) Fair (3) Poor (6)

Shoulder Width = _____ Good (0) Fair (3) Poor (6)

ROADWAY WIDTH TOTAL POINTS

III. SPECIAL RATING (Continued)

E. Special Use & Need (15 Points Max.)

A maximum of 15 additional points may be assigned to account for special conditions that may be present.

The Special Conditions include (but are not limited to) such considerations as:

The proposed project is vital to the County Council's goals or the County's transportation plans
The road improvement is an integral part of a higher priority project
The use and need for the route to move commodities and to provide for community service is high
The project is important in its affect on the local economy and its use for recreation

The three criteria upon which to rate these roads are as follow:

1. Community / Recreational Service 0 – 5 pts
2. Commercial Service 0 – 5 pts
3. Transportation and Related Plan Continuity 0 – 5 pts

TOTAL SPECIAL RATING POINTS

Acceptance of Special Rating points, Signed: _____
Public Works Director

County: _____

Project Name: _____ Six Year TIP No.: _____

Project No.: _____ Today's Date: _____

WORKSHEET RECAP

		Possible Points	Scored Points		
I. TRAFFIC					
A. Volume		7			
B. Usage		15			
	Subtotal	**22**			
II. ACCIDENT HISTORY – ROADS		5			
III. STRUCTURAL CONDITION			Roads	Gravel	
C. Surface Condition		10			(filled out by CRAB)
D. Drainage		15			
E. Subsurface Condition		20			
	Subtotal	**45**			
IV. LOCAL SIGNIFICANCE		20			
V. GEOMETRICS - ROADS					
F. Pavement Width		10			
G. Roadbed Width		10			
H. Vertical Alignment		5			
I. Horizontal Alignment		5			
Subtotal		30			
VI. ACCIDENT HISTORY - BRIDGES		10			
VII. STRUCTURAL CONDITION - BRIDGES					
J. Superstructure Cond.		8			
K. Substructure Condition		8			
L. Waterway Adequacy		8			
M. Structural Condition		16			
	Subtotal	**40**			
VIII. GEOMETRICS - BRIDGES					
N. Vertical Clearance		5			
O. Horizontal Clearance		10			
P. Vertical Approach Alignment		4			
Q. Horizontal Approach Alignment		5			
R. Bridge Railing		3			
S. Approach Guardrails		3			
	Subtotal	**30**			
TOTAL SER RAP WORKSHEET RATING:		**100**			

Note: - Points for the Structural Condition of Roads will be assigned by the RAP Engineer.
- No points are allowed for conditions which will not be improved by the proposed project.
- Proposals below design standards require WSDOT deviation approval.

I. TRAFFIC

A. Volume (7 Points Max.) AADT = TRUCK AADT =

Note: Use the larger of AADT or Truck AADT. All traffic data shall be adjusted to reflect average annual daily traffic (AADT).

AADT	1 – 100	101 – 200	201 – 300	301 – 450	451 – 600	601 – 750	> 750
POINTS	1	2	3	4	5	6	7
TRK AADT	1 – 10	11 – 20	21 – 30	31 – 45	46 – 60	61 – 75	>75

TRAFFIC VOLUME SUBTOTAL _____

B. Usage (15 Points Max.)

Is the road used for:	Check if Yes	Points Available	Points Assigned
Agriculture?		7	
Logging?		3	
Industry?		3	
Recreation?		2	
		15	Totals

TRAFFIC USAGE SUBTOTAL _____

TOTAL TRAFFIC RATING

II. & VI. TRAFFIC ACCIDENTS – ROADS (5 Points Max. for Roads – 10 Points Max. for Bridges)

(Reported and Substantiated Unreported Accidents)
(Indicate number of accidents, not number of fatalities, injuries, or property damages)

Application Date →	Year	Prop. Damage No. of accidents	Injury No. of accidents	Fatality No. of accidents
	8/31/2000			
	2000			
	1999			
	1998			
Subtotal				
Factor		X1	X2	X3

+ + =

Accident Rate = Total (from above) / AADT

RATE	0.01	0.02	0.04	0.06	0.08	0.1
POINTS – ROADS	0	1	2	3	4	5
POINTS – BRIDGES	0	2	4	6	8	10

ACCIDENT RATE = TOTAL (from above)/AADT =

TOTAL TRAFFIC ACCIDENT RATING

III. STRUCTURAL CONDITION – ASPHALT (45 Points Max.)

C. Surface Condition (10 Points Max.)

Excellent	0	Excellent	Tight surface with no slick or porous areas, no cracks or spalling
Good	2	Good	Only minor, localized transverse cracks, slick or porous areas
Adequate	4	Adequate	Minor, localized, longitudinal cracks; rutting, spalling or raveling; minor seal patching has been required; some transverse cracking
Fair	6	Fair	Small areas that have required patching; larger areas have required seal patching; some longitudinal cracks, spalling, rutting, or raveling
Marginal	8	Marginal	Several areas that have required moderate to heavy patching; moderate to heavy cracking, spalling, rutting, or raveling
Poor	10	Poor	Large areas that have required asphalt patching and frequent seal coating; heavy cracking, spalling, rutting and/or ravelling

* Intermediate values are acceptable

D. Drainage (15 Points Max.) Good/Adequate = 2 Fair = 7 Poor = 15

E. Subsurface Condition (20 Points Max.)

Excellent	0	Excellent	No signs of displacement or settling
Good	5	Good	Minor localized sags along shoulder
Fair	10	Fair	Moderate alligator cracking mid-lane, some sags on shoulders and mid-lane, minor localized settling
Poor	15	Poor	Large areas of heavy alligator cracking, extensive sagging and settling
Very Poor	20	Very Poor	Major subgrade deterioration; extensive deep sags and settling; heavy alligator cracking throughout section

* Intermediate values are acceptable

Surface Condition	
Drainage	
Subsurface Condition	

STRUCTURAL CONDITION – Paved Only
(Note: Round to the nearest whole number)

III. STRUCTURAL CONDITION – Gravel (45 Points Max.)
(Page to be filled out by RAP Engineer)
(Intermediate values on scales are acceptable)

C. Surface Condition (10 Points Max.)

Good	0	Good	Adequate amount of surface material of proper gradation and well fractured
Fair	5	Fair	Some material but over sized gradation or poorly fractured
Poor	10	Poor	No surface material, large loose stones, barely travelable

* Intermediate values are acceptable

D. Drainage (15 Points Max.) Good/Adequate = 2 Fair = 7 Poor = 15

E. Subsurface Condition (20 Points Max.)

Good	5	Good	Capable of supporting traffic in all weather conditions
Fair	10	Fair	Some localized sagging, settling, rutting, or corrugations
Poor	15	Poor	Numerous locations of sags and settling; deep corrugations or rutting, protruding boulders, untravelable in wet weather

* Intermediate values are acceptable

Surface Condition	
Drainage	
Subsurface Condition	
STRUCTURAL CONDITION – Gravel Only (Note: Round to the nearest whole number)	

IV. LOCAL SIGNIFICANCE (20 Points Max.)

This route is determined to be of highest Local Significance
(Insert a brief description of the local significance of this rout/project)

20 Points Assigned ☐ (check here if project is of highest local significance)

For each county, only 1 project per biennium is allowed local significance points.

Concurrence by _____
(Public Works Director or County Engineer) (Date)

V. GEOMETRICS - ROADS (30 Points Max.)

1 Ratings based on existing conditions and on actual field measurements throughout the project.
2 You must correct the deficiencies to receive points. If you are granted a deviation by Trans-Aid, that becomes the standard you must correct to.
3 All numbers must be rounded to the nearest whole number.

F. Pavement Width

EXSITING WIDTH

Standards	ADT	WIDTH	POINTS
	0-1000	20′	
	>1000	22′	
	>2000	24′	

Deviation	0′	1′	2′	3′	4′	5′	6′
Points	0	2	5	7	8	9	10

PAVEMENT WIDTH SUBTOTAL _____

G. Roadbed Width (10 Points Max.)

EXSITING WIDTH

ADT < 400 28′ STD	Deviation	0′	1′ – 2′	3′ – 4′	5′	6′		
	Points	0	2	5	7	8		
400 – 2000 34′ STD	Deviation	0′	1′ – 2′	3′ – 4′	5′ - 6′	7′ – 8′	9′ – 10′	
	Points	0	2	5	7	8	9	
ADT > 2000 40′ STD	Deviation	0′	1′ – 3′	4′ – 6′	7′ – 9′	10′ – 12′	13′ – 15′	15′ – 18′
	Points	0	2	5	7	8	9	10

ROADBED WIDTH SUBTOTAL _____

H. Vertical Alignment (5 Points Max.)

% of Project Length Exceeding Design Standard, Max.

%	0	2	4	6	8	10
POINTS	0	1	2	3	4	5

VERTICAL ALIGNMENT SUBTOTAL _____

I. Horizontal Alignment

$$\text{Points} = \Sigma \frac{(De - Ds)}{4L}$$ (do calculation inside brackets for each curve, then sum for all curves)

Where: De = Degree of Existing Curves
Ds = Degree of Design Standard Curves
L = Length of Project in Miles

HORIZONTAL ALIGNMENT SUBTOTAL _____

TOTAL GEOMETRIC RATING

VII. STRUCTURAL CONDISION – BRIDGES (40 Points Max.)

J. Superstructure Condition (8 Points Max.)

0 Good Condition. No repairs needed.
1 Generally Good Condition. Potential exists for minor maintenance.
2 Fair Condition. Potential exists for major maintenance.
3 Generally Fair Condition. Potential exists for minor rehabilitation.
4 Marginal Condition. Potential exists for major rehabilitation.
5 Poor Condition. Repair or rehabilitation required immediately.
6 Critical Condition. The need for repair or rehabilitation is urgent. Facility should be closed until the indicated repair is complete.
7 Critical Condition. Facility is closed. Study should determine the feasibility of repair.
8 Critical Condition. Facility is closed and is beyond repair.

SUPERSTRUCTURE CONDITION RATING _____

K. Substructure Condition (8 Points Max.)

0 Good Condition. No repairs needed.
1 Generally Good Condition. Potential exists for minor maintenance.
2 Fair Condition. Potential exists for major maintenance.
3 Generally Fair Condition. Potential exists for minor rehabilitation.
4 Marginal Condition. Potential exists for major rehabilitation.
5 Poor Condition. Repair or rehabilitation required immediately.
6 Critical Condition. The need for repair or rehabilitation is urgent. Facility should be closed until the indicated repair is complete.
7 Critical Condition. Facility is closed. Study should determine the feasibility of repair.
8 Critical Condition. Facility is closed and is beyond repair.

SUBSTRUCTURE CONDITION RATING _____

L. Waterway Adequacy (8 Points Max.)

0 Large well established channel. No hydraulic problems.
1 Rock Channel. Riprapped or natural slope protection. Alignment perpendicular to bridge. Stream capacity adequate. No scour
2 Rock and Gravel Channel. Gradual slopes or part8ially riprapped. Alignment adequate. Stream has minor drift. No scour in the immediate area of bridge.
3 Gravel and Sand Channel. Unprotected but not steep slopes. Minor alignment problem. Stream causes large drift accumulation. Minor scouring at bridge.
4 Sand and Mud or Grass Channel. Unprotected steeper slopes. Alignment problem requiring eventual repair. Stream cause large drift and a high flow. Major scouring but no undermining.
5 Mud Channel. Unprotected steep banks. Stream overflows banks. Drift may damage superstructure. Undermining problems have developed.
6 Basically intolerable condition requiring high priority of replacement.
7 Immediate repair necessary to put back in service.
8 Immediate replacement necessary to put back in service.

WATERWAY ADEQUACY RATING _____

M. Structural Condition

$$D\% = \frac{LD - LI}{LD} \times 100$$

Where: D% = Deficiency of Design
LD = Design Loading
LI = Inventory Loading

D%	0	25	35	50	67	75	87	100
POINTS	0	4	6	8	10	12	14	16

STRUCTURAL CONDITION RATING _____

TOTAL BRIDGE STRUCTURAL CONDITION RATING [ ]

VIII. GEOMETRICS - BRIDGES (30 Points Max.)

(This page referenced to the LAG manual)

POINTS:

N. Vertical Clearance (5 points Max.) _____

Deviation	0′	1′	2′	3′	>3′
POINTS	0	1	2	3	5

Deviation from Minimum Design Standard (i.e., 16,.5 Ft.)

O. Horizontal Clearance CLEAR WIDTH (10 Points Max.)

ADT < 400 28′ STD	Deviation	0′	1′	2′	3′	4′	5′	6′
	Points	0	2	5	7	8	9	10
400 – 2000 34′ STD	Deviation	0′	1′ – 2′	3′ – 4′	5′	6′	7′ – 8′	9′ – 10′
	Points	0	2	5	7	8	9	10
ADT > 2000 40′ STD	Deviation	0′	1′ – 2′	3′ – 4′	5′ – 6′	7′ – 8′	9′ – 10′	11′ – 12′
	Points	0	2	5	7	8	9	10

HORIZONTAL CLEARANCE POINTS _____

P. Vertical Approach Alignment (4 Points Max.) _____

Good	Fair	Poor
0 pts	2 pts	4 pts

Q. Horizontal Approach Alignment (5 Points Max.) _____

Good	Fair	Poor	Very Very Poor
0 pts	2 pts	4 pts	5 pts

R. Bridge Railing (3 Points Max.) _____

Adequate	Inadequate
0 pts	3 pts

S. Approach Guardrails (3 Points Max.) _____

Adequate	Inadequate
0 pts	3 pts

TOTAL BRIDGE STRUCTURAL CONDITION RATING

County: _____

Project Name: _____ Six Year TIP No.: _____

Project No.: _____ Today's Date: _____

WORKSHEET RECAP

	Possible Points	Scored Points
I. TRAFFIC		
A. Volume	10	
B. Accidents	10	
I. Traffic Subtotal	20	
II. ROAD CONDITION		
C. STRUCTURAL (Rate only one type)		
1. Asphalt Concrete	25	
2. Asphalt Concrete over PCC	0	
3. Portland Cement Concrete	0	
D. SURFACE (Rate same type as above)		
1. Asphalt Concrete	25	
2. Asphalt Concrete over PCC	50	
3. Portland Cement Concrete	50	
4. Gravel Surfaced	35	
5. Record the greater of		
2 X Structural Points	= .00 =	
OR Struct. + Surface Pts	= .00 =	
II. Road Condition Subtotal	50	
III. GEOMETRICS:		
E. Pavement Width	10	
F. Road Bed Width	10	
G. Gravel, Roadbed Width only	15	
H. Horiz. And Vert. Alignment	10	
III. Geometrics Subtotal	30	
	Available	
COMBINATION OF ROAD COND. AND GEOM.	80	Combine II. & III. above
Use the grater of either		
(0.6 X Road Condition Subtotal) + (1.667 X Geometrics Subtotal)		
(Road Condition Subtotal) + (Geometrics Subtotal)		
TOTAL SWR RAP WORKSHEET RATING:	**100**	

Notes:
1. Points for the Road Surface Condition Rating other than Gravel Surfaced will be assigned by CRAB staff.
2. No points are allowed for conditions not to be improved by the project.
3. Points assigned must be in proportion to percent of the minimum design standard achieved.

- Proposals below design standards require WSDOT deviation approval.

I. TRAFFIC

A. Volume (10 Points Max.)

Current ADT = _____ Determine Traffic Volume Rating using the Table below
ADT=Average Weekday Traffic Volume

TRAFFIC VOLUME SUBTOTAL

B. Accidents (10 Points Max.)

Equivalent Property Damage Only Accidents, Three Year Average
(Indicate number of accidents, not number of fatalities, injuries, or property damages)

YEAR:	Property Damage Only	No. of Injury accidents	No. of Fatal Accidents
2000			
1999			
1998			
Subtotals	_____	_____	_____
	X 3	X 10	X 25
	+	+	=

(Total)

Accident Rating (Determine Accident Rating using table below by rounding to nearest whole number):

_____ ÷ 3 ÷ _____ = 0.00
(Total from above) (Length in Miles) (Equiv. Acc./Mile)

TRAFFIC ACCIDENT RATING

ACCIDENT AND TRAFFIC VOLUME RATING TABLE

Average ADT	Equivalent Acc/Mile	Rating Points
<50	<4	0
50 – 100	4 – 6	2
101 – 250	7 – 9	4
251 – 500	10 – 12	6
501 – 750	13 – 15	8
>750	>15	10

II. ROAD CONDITION

C. Roadway Structural Condition Asphalt (25 Points Max.)

For counties which do not have an actual truck count available, the following rating procedure, taken from the Asphalt Institute Manual Series No. 17 (MS 17), shal be used. If a county wishes to develop the INITIAL TRAFFIC NUMBER (ITN) by an actual truck county, please follow the procedure provided in the MS 17 Manual.

DEFINITION OF TERM:

URBANIZED RURAL AREA – defined as primarily residential with emphasis on light traffic with 20% or less of the area in agriculture, timber, or indusrial use.

AVERAGE RURAL AREA - defined as primarily agricultural area with farm to market hauling.

HEAVY RURAL AREA – defined as primarily timbered or industrial use with heavy hauling.

PROCEDURES:

1) Determine the NUMBER OF HEAVY TRUCKS (NHT)

NHT = ADT x (A/100) x B

Where A = Percentage of heavy trucks in design lane
A = 50 for a two-lane road
A = 45 for a four-lane road, and
B = Percent of Heavy trucks in traffic stream
B = 0.08 in Urbanized Rural Area
B = 0.14 in Average Rural Area
B = 0.16 in Heavy Rural Area, and

Locate NHT on line C, Figure III-1

2) Determine the GROSS MASS OF HEAVY TRUCKS (GMT

GMHT = 25k in Urbanized Rural Area
= 30k in Average Rural Area
= 40k in Heavy Rural Area

Locate GMHT on line D, Figure III-1

3) Connect the values on lines C and D with a straight line; extend line C-D to intersect line B to establish the PIVOT POINT

4) Determine the SINGLE AXLE LOAD LIMIT for line E, Figure III-1

Use 18,000 lbs. For all applications

Locate the value of 18,000lbs on line E

5) Connect the value for the SINGLE AXLE LOAD LIMIT on line E with the PIVOT POINT on line B and extend the connecting line to line A

II. ROAD CONDITION (cont.)

C. Roadway Structural Condition Asphalt (25 Points Max.) (cont.)

6) Determine the INITIAL TRAFFIC NUMBER (ITN) where extended line E-B intersects line A

FIGURE III – 1
TRAFFIC ANALYSIS CHART
(For Determining the Value of the INITIAL TRAFFIC NUMBER)

*ITN value may require correction where the ADT of light Trucks and automobiles is relatively high.

To determine the DESIGN TRAFFIC NUMBER (DTN) of the existing roadway enter the DESIGN REBOUND DEFLECTION from the STRUCTURAL ADEQUACY EVALUATION tests made by the Benkelman Beam or Road Rater on the chart below, Figure III-5.

FIGURE III – 5
TRAFFIC ANALYSIS CHART
(For Determining the Value of the DESIGN TRAFFIC NUMBER)

(For Design Rebound Deflections above 0.100 use the min value of 1 for DTN)

	DRD; Benkleman Beam Design Rebound Deflection
	ITN - from previous sheet
	DTN – from graph above

Point Value for Structural Rating = [1 – (DTN / ITN)} x 25 = _____

Note: When (DTN / ITN) > 1, then Point Value for Structural Rating = 0

ROADWAY STRUCTURAL CONDITION ASPHALT

II. ROAD CONDITION (cont.)

D. Roadway Surface Condition
1. ACP (25 Points Max.)
2. ACP/PCC (50 Points Max.)

TYPE OF DISTRESS	PERCENTAGE OF DISTRESS				ACP POINTS	ACP/PCC POINTS
	No Distress	< 10%	10% - 30%	> 30%		
Rutting	0	2	3	5		
Ravelling	0	1	3	4		
Corrugations	0	3	4	6		
Alligator Cracking	0	1	3	4		
Patching	0	1	3	4		
Transverse & Longitudinal Cracking	0	0	1	2		

ROADWAY SURFACE CONDITION RATING: ASPHALT / ACP OVER PCC

* When the surface of the roadway is Asphalt Concrete Pavement (ACP) over a Portland Cement Concrete (PCC), rate the SURFACE CONDITION as ACP then multiply the rating by 2. Insert the resulting value in the ACP/PCC column.

3. Concrete (50 Points)

TYPE OF DISTRESS	PERCENTAGE OF DISTRESS				POINTS
	No Distress	< 10%	10% - 30%	> 30%	
Cracking	0	4	6	10	
Ravelling	0	2	6	8	
Joint Spalling	0	6	8	10	
Pumping	0	2	4	6	
Faulting	0	2	4	6	
Patching	0	0	2	4	
Pavement Wear	0	2	4	6	

ROADWAY SURFACE CONDITION RATING: CONCRETE

4. Gravel (35 Points Max.)

ADT taken for continuous one week period at any part of the year, adjusted for seasonal effects. Attach supporting data for the traffic counts or estimation.

ADT: Gravel Roads Only

/ 250 X 35 = ROADWAY STRUCTURAL CONDITION ASPHALT

III. GEOMETRICS (30 Points Max.)

Note: 1) Any curve not anticipated to be improved to full design standards shall be computer by substituting the speed anticipated for the design speed prior to calculation of Dc.
2) Total points allowed for horizontal and vertical alignments combined is 10 points,

E. Pavement Width (10 Points Max.)
(round to the nearest ¼ ft)

ADT < 400	ADT 400 – 2000	ADT > 2000	POINTS
≥ 20	≥ 22	≥ 24	**1**
19.75	21.75	23.75	**2**
19.50	21.50	23.50	**3**
19.25	21.25	23.25	**4**
19.00	21.00	23.00	**5**
18.75	20.75	22.75	**6**
18.50	20.50	22.50	**7**
18.25	20.25	22.25	**8**
18.00	20.00	22.00	**9**
< 18	< 20	< 22	**10**
		Points Assigned	

F. Roadbed Width (10 Points Max.)
(round to the nearest ½ ft)

ADT < 400	ADT 400 – 2000	ADT > 2000	POINTS
≥ 28	≥ 34	≥ 40	**1**
27.5	33.5	39.5	**2**
27.0	33.0	39.0	**3**
26.5	32.5	38.5	**4**
26.0	32.0	38.0	**5**
25.5	31.5	37.5	**6**
25.0	31.0	37.0	**7**
24.5	30.5	36.5	**8**
24.0	30.0	36.0	**9**
< 24	< 30	< 36	**10**
		Points Assigned	

G. Roadbed Width for Gravel Roads (15 Points Max.)

ADT < 400	ADT 400 – 2000	ADT > 2000	POINTS
≥ 20	≥ 22	≥ 24	**1**
19.75	21.75	23.75	**2**
19.50	21.50	23.50	**3**
19.25	21.25	23.25	**4**
19.00	21.00	23.00	**5**
18.75	20.75	22.75	**6**
18.50	20.50	22.50	**7**
18.25	20.25	22.25	**8**
18.00	20.00	22.00	**9**
< 18	< 20	< 22	**10**
		Points Assigned	

H. Horizontal Alignment (10 Points Max.) & Vertical Alignment (10 Points Max.)

Horizontal Alignment

a) Determine the minimum design speed – Vd from the Min. Design Speed table shown on sheet 8 of 8.
b) Horizontal Curvature Deficiency – Dc
c) Determine "Safe Speed" Vb from Ball Bank Indicator readings
   i. Calculate the ratio Vr = Vb/Vd for all curves where Vb < Vd
   ii. Calculate the Curvature Deficiency Index, $Dc = \Sigma (1 - Vrn)$ for curvces 1, 2, 3 . . .n
d) Horizontal Alignment Deficiency, Hc Hc = Dc / (3L) where L = Length of Project in Miles

POINTS	Hc	POINTS	Hc
1	0.001 – 0.050	6	0.251 – 0.300
2	0.051 – 0.100	7	0.301 – 0.350
3	0.101 – 0.150	8	0.351 – 0.400
4	0.151 – 0.200	9	0.401 – 0.450
5	0.201 – 0.250	10	0.451 – 0.500

HORIZONTAL ALIGNMENT RATING _____

III. GEOMETRICS (30 Points Max.) (cont.)

Vertical Alignment

a) Minimum Design Speed. Determine Min. Design Speed – Vd from the following table

	ADT:		
TERRAIN:	< 400	400 – 2000	> 2000
FLAT	50	50	50
ROLLING	40	40	50
MOUNTAINOUS	30	30	40

b) Vertical Curvature Defieciency Dc

i. Determine "Safe Speed" Vs for the vertical curve using the existing Sight Distance (S) available. Existing sight distance may be field meas. Or determined by using WSDOT Design manual page 630-5 or 630-6.

Vertical curve length and Algebraic difference in grades can be determined by field measurement or reviewing existing records

Safe Speed (Vs) for the existing Sight Distance available can then be read from the following table:

Safe Speed (Vs)	Exis. Sight Dist. (S)	Safe Speed (Vs)	Exis. Sight Dist. (S)
10	50	35	250
15	75	40	325
20	125	45	400
25	150	50	475
30	200	55	550

*Use straight line interpolation to determine Vs to the nearest M.P.H.
Note: Table developed from page 770, AASHTO Geometric Design of Highways and Streets, 1990 Edition.

ii. Calculate the ratio Vr = Vs/Vd (safe speed divided by design speed) for all curves where Vs < Vd

iii. Calculate the Curvature Defieciency Index Dc

$$Dc = \Sigma (1 - Vrn) \text{ for curves } 1, 2, 3 \ldots n$$

c) Vertical Alignment Deficiency – Vc Vc = Dc/(3L) where L = Length of Project in Miles

POINTS	Vc	**POINTS**	Vc
1	0.001 – 0.070	6	0.351 – 0.420
2	0.071 – 0.140	7	0.421 – 0.490
3	0.141 – 0.210	8	0.491 – 0.560
4	0.211 – 0.280	9	0.561 – 0.630
5	0.281 – 0.350	10	0.631 – 0.700

VERTICAL ALIGNMENT RATING _____

Combined Horizontal and Vertical Alignment Rating [ ] **(10 Points Max.)**

4.A. ANNUAL CONSTRUCTION PROGRAM

INSTRUCTIONS FOR USE OF THE ANNUAL CONSTRUCTION PROGRAM FORM

(CRAB FORM #3, REVISED 8/01)

Refer to CRAB Standard "Regarding Procedures for Preparation of the Annual Road Program" (WAC 136-16) in the CRAB General Administrative Rules WAC 136-16-010 through 042 for further guidance.

**** GENERAL DATA REQUIREMENTS ****

AGENCY ACTION block - complete all items as shown
DAY LABOR COMPUTATION block - Line (A) is the grand total of contract and day labor construction from the totals of columns (14) and (15). Line (B) is the computed day labor limit as per RCW 36.77.065; compute as follows and enter in the Line (B) space (use the larger of the dollar amount or percent limit calculation) :

Counties greater than or equal to 50,000 in population:

Line A amount	$ Limit	% Limit of Line A
≥ $4 million (≥ $4 M)	$800,000	15 %
≥ $1.5 M to < $4 M	$525,000	20 %
≥ $500,000 to < $1.5 M	$250,000	35 %
Less than $500,000	$250,000	(or $35,000 per project for entire program)

Counties less than 50,000 in population:

Line A amount	$ Limit	% Limit of Line A
≥ $4 million (≥ $4 M)	$880,000	25 %
≥ $1.5 M to < $4 M	$577,000	30 %
≥ $500,000 to < $1.5 M	$275,000	45 %
Less than $500,000	$275,000	(or $38,500 per project for entire program)

**** COLUMNAR DATA REQUIREMENTS ****

(1) Item No. Use consecutive numbers beginning with 1. No priority is assumed.

(2) 6 Year Road program item No. - Use the priority number from column 1 on your most recent 6 year transportation improvement program (DOT Form 140-049). No number is necessary for miscellaneous projects as permitted under WAC 136-16-025.

(3) Road Log No. - County road log number (when applicable) as per the current road log as maintained by each county.

(4) Road/Project Name and Location - Enter the road or project name and location information as assigned by the county. As appropriate, include mileposts (from county road log), bridge numbers and etc.

(5) Project length - Enter the project length in miles.

(6) Functional Class - Enter the functional class for the road on which the project is located. Use the following codes (this is also available from your county road log) :

RURAL	URBAN
02 Principal Arterial	12 Principal Arterial
06 Minor Arterial	13 Principal Arterial
07 Major Collector (FAS)	14 Major Arterial
08 Minor Collector	15 Principal Arterial
09 Local Access	16 Minor Arterial
	17 Collector Arterial
	19 Local Access

(7) Type of Work - Use one or more of the codes from the top of the form. If more than one, list major work items first. The code should reflect the nature of the anticipated final project.

(8) Environmental Assessment - Use the following assessment codes (Reference: State Environmental Policy Act):

S = Significant I = Insignificant E = Exempt

PLEASE NOTE THAT THE DOLLARS IN COLUMNS 9 through 16 REFLECT ONLY THE AMOUNTS AND SOURCES EXPECTED TO BE SPENT DURING THE APPLICABLE CALENDAR YEAR

(9) Source of Funds - County - Enter the total amount of county funds estimated for the project (use columns 10 and 11 for RID, developer contributions, and similar non-county funds).

(10) Source of Funds - Other Funds - Enter the total amount of other funds estimated for the project. If more than one "other" source (such as RAP + FAS), show each "other" amount separately.

(11) Source of funds - Other Funds Program Source - For each "other" source shown in column 10, enter the abbreviation for the source type (ex: RAP, FAS, CAPP, BROS, UAB, TIB, RID, PVT, PWTF, etc.)

(12) Estimated Expenditures - Preliminary Engineering - Enter the estimated amount of preliminary engineering expenditures for the project this year.

(13) Estimated Expenditures - Right of Way - Enter the estimated amount of right of way expenditures for the project this year.

(14) Estimated Expenditures - Construction - Contract - Enter the estimated amount of contract construction expenditures, including construction administration and engineering, for the project this year.

(15) Estimated expenditures - Construction - Day Labor - Enter the estimated amount of day labor expenditures, including contract administration and engineering, for the project this year. Materials incorporated into a day labor project, even though created or supplied by a separate contract (ex: crushing) are to be included in the day labor construction amount shown here.

(16) Estimated expenditures - Grand Total - Enter the total estimated expenditures for the project this year. This must equal the sum of columns 12 through 15 and also the sum of columns 9 through 10. The program total of this column should also equal the amount of construction shown in the final annual road budget.

Please calculate and show your day labor calculations; total all funding and expenditure columns at the bottom of the last page submitted.

4.B. COUNTY ARTERIAL PRESERVATION PROGRAM REPORT

INSTRUCTIONS FOR USE OF
ANNUAL COUNTY ARTERIAL PRESERVATION PROGRAM FORM (CRAB FORM #3-A, REV 8/99)

***** GENERAL NOTES *****

*** This form is to include your county's entire arterial preservation program (CAPP) for the appropriate year. This shall include both CAPA-funded and other-funded work in both the construction and maintenance programs. See WAC 136-300 for a description of the work elements that are both CAPA-eligible and to be included as part of your arterial preservation program. CAPP work that is included in your regular annual construction program is to also be listed on this form.

*** If CAPA funds are to be allocated to your pavement management system development or operation (see WAC 136-300 for eligibility requirements), include as a separate item number at the end of the form. Leave columns 2,5 and 6 blank. Use columns 3 and 4 to state the specific PMS-related uses of CAPA funds and columns 9,10 and 11 for the estimated expenditure information.

****** COLUMNAR DATA ******

(1) Item No. - Use consecutive numbers beginning with 1 or any other alternate numbering scheme that fits your agency needs; Entry required.

(2) Road Log No. - County road log number as per the current road log as maintained by each county; Entry required.

======>>> Alternate for sealcoating only

Aggregation of roads into lump sums within your seal coating program without specifying the roads will be allowable provided there is at least a functional class breakdown. Please remember that the end-of-year reporting of work done will require specific road and milepost listing.

(3), (4) Road Name, Location - Enter road name and project location (i.e., termini) as assigned by the county; Entry optional.

(5) Length-Lane Data - Enter beginning and ending milepost for each road location using the current roadlog mileposting or enter the total mileage; One or the other must be entered. Also enter the total number of lane-miles involved.

(6) Functional Class - Use the following codes: Entry required.

RURAL	URBAN
02 Principal Arterial	12 Principal Arterial
06 Minor Arterial	13 Principal Arterial
07 Major collector (FAS)	14 Major Arterial
08 Minor collector	15 Principal Arterial
	16 Minor Arterial
	17 Collector

(7) Work Code - Use one or more of the codes from the top of the form for each project; Entry required. For example, if preparation work such as dig outs or cracksealing (code 4) and sealing (code 3) or other wearing course are done the same year, please cost each code separately. However, if the preparation is less than 10% of the final wearing course case, it need not be broken out separately, but both codes 4 and the wearing course code should be indicated on the same line. **The new code 6 (Preleveling and Leveling Courses) is to be used when the preparation work is a prelevel or leveling course, regardless when the wearing course (seal, thin overlay or structural overlay) will be accomplished.**

(8) Freight and Goods Classification - Enter the Truck Route classification as listed in the Freight and Goods Transportation System Study, otherwise leave the field blank.

(9), Estimated Expenditures, CAPA; Non-CAPA - Include the direct labor, equipment and material

(10) costs plus all other costs of completing the work such as administration, supervision, inspection, temporary traffic control, etc. that are an integral part of performing the work as coded in the work code (column 7). If you do not cost-allocate your administration and supervision, use a mark-up factor of 15% over the direct labor, equipment and materials. If other funds in addition to CAPA funds are to be expended, show under the "NON-CAPA FUNDS" column (10). Do not include any costs for non-CAPA-eligible work that may be done in conjunction such as widening, ditching, new signing, etc.; Entry required.

(11) Estimated Expenditures - Grand Total - Total the CAPA and the non-CAPA estimated expenditures and insert on this line. Entry Required.

Please total all expenditure columns at the bottom of the last page submitted.

4.C. ANNUAL CONSTRUCTION REPORT

INSTRUCTIONS FOR USE OF THE ANNUAL CONSTRUCTION REPORT FORM
(CRAB FORM #5, REVISED 8/01)

Refer to CRAB General Administrative Rules, (WAC 136-16) for further guidance.

**** GENERAL DATA REQUIREMENTS ****

COUNTY; POPULATION; PREPARED BY; DATE - complete all spaces

DAY LABOR COMPUTATION block - Line (A) is the grand total of contract and day labor construction from the totals of columns (9) and (10). Line (B) is the computed day labor limit as per RCW 36.77.065; compute as follows and enter in the Line (B) space (use the larger of the dollar amount or percent limit calculation):

Counties greater than or equal to 50,000 in population:

Line A amount	$ Limit	% Limit of Line A
≥ $4 million (≥ $4 M)	$800,000	15 %
≥ $1.5 M to < $4 M	$525,000	20 %
≥ $500,000 to < $1.5 M	$250,000	35 %
Less than $500,000	$250,000	(or $35,000 per project for entire program)

Counties less than 50,000 in population:

Line A amount	$ Limit	% Limit of Line A
≥ $4 million (≥ $4 M)	$880,000	25 %
≥ $1.5 M to < $4 M	$577,000	30 %
≥ $500,000 to < $1.5 M	$275,000	45 %
Less than $500,000	$275,000	(or $38,500 per project for entire program)

If the total of actual day labor (column 10) exceeds the day labor limit in Line B, check the box shown.

**** COLUMNAR DATA REQUIREMENTS ****

(1) Annual Program Item No. This must correspond to the column 1 Item Number used on the related original (or amended) ANNUAL CONSTRUCTION PROGRAM submitted for this year. If a project was not shown on the original or amended ANNUAL CONSTRUCTION PROGRAM, enter an "X" here.

(2) Road Log No. - County road log number(s) as per the current road log as maintained by each county.

(3) C.R.P. # - County Road Project number as assigned for this project.

(4) Road/Project Name and Location - Enter the road or project name and location information as assigned by the county. As appropriate, include mileposts (from county road log), bridge numbers and etc.

(5) Project length - Enter the project length in miles.

(6) Functional Class - Enter the functional class for the road on which the project is located. Use the following codes (this is also available from your county road log) :

RURAL	URBAN
02 Principal Arterial	12 Principal Arterial
06 Minor Arterial	13 Principal Arterial
07 Major Collector (FAS)	14 Major Arterial
08 Minor Collector	15 Principal Arterial
09 Local Access	16 Minor Arterial
	17 Collector Arterial
	19 Local Access

(7) Type of Work - Use one or more of the codes from the top of the form. If more than one, list major work items first. The code should reflect the nature of the final project.

PLEASE NOTE THAT THE DOLLARS IN COLUMNS 8 through 12 REFLECT ONLY THE AMOUNTS AND SOURCES ACTUALLY EXPENDED DURING THE APPLICABLE CALENDAR YEAR

(8) Actual Expenditures - P.E. & R.O.W. - Enter the total amount of funds expended for preliminary engineering and right of way during the calendar year).

(9) Actual Expenditures - Construction - Contract - Enter the total amount of funds expended for payment to contractors including associated construction engineering and contract administration costs incurred by the county. For State Ad & Award projects be sure to include any WSDOT payments to contractors here!.

(10) Actual Expenditures - Construction - Day labor - Enter the total amount of funds expended for day labor costs including all county-incurred construction engineering and administration costs.

(11) Actual Expenditures - Project Total - Enter the sum of columns 8, 9, and 10.

(12) (13) Federal support - Enter the amount and program source (ex: FAS, BROS, etc) for all federal funds expended for the project during the calendar year. This information has been required to assess the reliance and use of federal aid funds by the counties overall.

(14) Project Status as of 12/31 - Enter the code for the project status as of the end of the year. An "X" indicates that the project has been fully completed. A "Y" indicates the project is still open for charges and will have further costs incurred in the following year. Projects in this category may be 'between phases' or shut down for the winter but their CRP is still open. A "Z" indicates that the project did not proceed as originally intended and no costs were incurred..

(15) Remarks and Comments - Enter any other information which may help in understanding the status of your completed construction program for the year.

Please calculate and show your day labor calculation; total all mileages and expenditure columns at the bottom of the last page submitted

4.D. REVENUE AND EXPENDITURE ANALYSIS

_____ COUNTY
SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM
REVENUE AND EXPENDITURE ANALYSIS

CO RD/CO RD CONSTRUCTION:	**2002**	**2003**	**2004**	**2005-2006**
REVENUE:				
BEGINNING FUND BALANCE	_____	_____	_____	_____
REAL & PERSONAL PROPERTY TAX LESS CO ROAD DIVERSION	_____	_____	_____	_____
MOTOR VEHICLE FULE TAX	_____	_____	_____	_____
CO ARTERIAL PRES PROG	_____	_____	_____	_____
RURAL ARTERIAL PROG	_____	_____	_____	_____
TRANSIMPROVE BOARD	_____	_____	_____	_____
UATA	_____	_____	_____	_____
IAC-SAOLMAN RECOVERY FUND	_____	_____	_____	_____
ISTEA-STPR	_____	_____	_____	_____
ISTEA-STPU	_____	_____	_____	_____
ISTEA-STPE	_____	_____	_____	_____
ISTEA-STPN	_____	_____	_____	_____
WSDOT PARTICIPATION	_____	_____	_____	_____
BRIDGE REPLACEMTN PROG	_____	_____	_____	_____
HAZARD ELIMINATION PROG	_____	_____	_____	_____
OTHER INTERGOVT & STATE SHARED	_____	_____	_____	_____
CHARGES FOR SERVICES	_____	_____	_____	_____
INTEFUND/INTERGOVT REIMB FOR SERV	_____	_____	_____	_____
OTHER MISC REVENUES	_____	_____	_____	_____
GERNERAL OBLIGATION BOND PROCEEDS	_____	_____	_____	_____
PROCEEDS FOR SALE OF FIXED ASSETS	_____	_____	_____	_____
SPECIAL PURPOSE PATH	_____	_____	_____	_____
PUBLIC WORKS TRUST FUND	_____	_____	_____	_____
CRIDS	_____	_____	_____	_____
SEPA	_____	_____	_____	_____
OPERATING TRANSFER	_____	_____	_____	_____
IMPAC FEES	_____	_____	_____	_____
TOTAL REVENUES & FUND BALANCES:	$_____	$_____	$_____	$_____
EXPENDITURES:				
ENDING FUND BALANCE	_____	_____	_____	_____
ADMINISTRATION & SUPPORT SERVICES	_____	_____	_____	_____
SSWM PROGRAM ASSESSMENT	_____	_____	_____	_____
COUNTY RISK MANAGEMENT ALLOCATION	_____	_____	_____	_____
COUNTY INDIRECT COST ALLOCATION	_____	_____	_____	_____
ENGINEERING SERVICES	_____	_____	_____	_____
SURVEYING & RIGHT OF WAY MANAGEMENT	_____	_____	_____	_____
DEVELOPMENT REVIEW & INSPECTION	_____	_____	_____	_____
ROAD SYSTEM MAINTENANCE	_____	_____	_____	_____
TRAFFIC OPERATIONS	_____	_____	_____	_____
TRANSPORATION PLANNING	_____	_____	_____	_____
GREENWAY PLANNING & SPECIAL PURPOSE PATHS	_____	_____	_____	_____
REIMBURSABLE SERVICES	_____	_____	_____	_____
LONG TERM DEPT (PW TRUST FUND)	_____	_____	_____	_____
CONTRB TO OTHER FUNDS (DEBT SERVICE)	_____	_____	_____	_____
CONSTRUCTION IN HOUSE SERVICES	_____	_____	_____	_____
COUNTY ROAD OPERATIONS:	$_____	$_____	$_____	$_____
CONSTRUCTION:	_____	_____	_____	_____
ROADWAY PRESRVATION	_____	_____	_____	_____
ROADWAY SAFETY	_____	_____	_____	_____
ROADWAY IMPROVEMENT (CAPACITY)	_____	_____	_____	_____
ENVIRONMENTAL RETROFIT	_____	_____	_____	_____
GREENWAY PROGRAM	_____	_____	_____	_____
TOTAL CONSTRUCTION	_____	_____	_____	_____
TOTAL EXPENDITURES & FUND BALANCE:	$_____	$_____	$_____	$_____

4.E. ACTIVITY AND COST REPORTING

INSTRUCTIONS FOR COMPLETING THE
"ACTIVITY AND COST REPORTING" FORM
REGARDING ROADWAY SURFACE PRESERVATION ACTIVITIES
(revised 2/01)

I. PURPOSE

These instructions apply to the enclosed single-page reporting form (plus supplementary information) which has been designed to satisfy the requirements of WAC 136-300-090, "Submittal of Annual Report" as adopted by the CRABoard on October 5, 1990.

II. SUPPLEMENTARY DATA

We again strongly encourage you to include supplementary specific project location, description and cost information. Even though not required, this 'extra' information will be very useful to us in better understanding the total scope and methods of cost accounting of your overall pavement preservation program. It will be helpful in responding to legislative and other interested parties when we are asked just what is being done with the new funds, and in assisting us in preparing our annual reports to the legislature.

III. COMPLETING THE FORM

Sections A, B, C, D and E are a rollup of pavement preservation accomplishments over your entire paved roadway system for calendar year. The measurement is in terms of both centerline and lane-miles broken down by arterial and access road systems and by the general work types of seal coating, thin overlays, structural overlays, preleveling and leveling and separate preparation work. The amount of CAPP-funded arterial work is also required. Please note that the "Arterial Total" columns represent all CAPP-eligible work done - the "CAPP-Funded" columns represent the amounts of the "Arterial Total" actually funded with CAPP dollars. Please remember that routine, non-programmed road maintenance activities such as pot-hole patching, spot sealing, etc. are not considered part of your pavement preservation program unless the work is done specifically in preparation for an overlay or a seal coat of at least one full lane width. The centerline miles and lane miles for all preleveling /leveling work, such as for future overlays, separated on the contract, or done by county forces, are reported on section D, and the costs of these are reported on section I.

Seal coating accomplishment (A) is to include all types - single shot, double shot, fog, sand, slurry seal, etc. The mileage information desired is in terms of how much final, not just preparation, work was done. If you stage your seal coat program by doing all preparation work one year and the final sealing the following year, only report final sealing mileages here. Report the preparation work in the "E" columns.

Thin Overlays (B) Structural Overlays (C) and Preleveling/Leveling Courses (D) are to be reported. Separate entries are required in order to distinguish between work required within your construction program (via CRP's) and that which can be done as maintenance.

Preparation Only (E) is for situations where significant preparation work is done the year before final seal application. (Preparation for overlays is normally done in the same year as the final wearing surface and is a relatively small portion of the total project cost.)

If the work involves more than just resurfacing, leveling or replacing the top wearing courses (i.e., major base or sub-base work), it should not be included as a pavement 'preservation' accomplishment regarding mileage. Such work may be shown as CAPP-funded arterial expenditures (J) activity if it qualifies under the provisions of WAC 136-300-070.

We have included 2 sections for Arterials and 1 section for Access roads; each section has a place for the centerline mileage (C/L MILES) and the lane mileage (LANE MILES). Please be sure to provide both the total arterial accomplishments (1) and the portion of the total that was done with CAPP funds

(2).

Sections F, G, H, I and J are designed to reflect the costs of the preceding accomplishments, and to add in any other eligible preservation work which is not readily measured in centerline or lane miles. This 'other eligible work' (J) is typically represented by blade patching, structural patching, crack sealing, PCC panel maintenance, etc. that is not part of or done in preparation for the general sealing or overlay programs. If CAPP funds are used to resurface a reconstructed or widened road as provided for in WAC 136-300-070, only report the resurfacing cost portion on this form in section H.

The costs shown in items F, G, H, I and J should reflect the accomplishments shown in items A, B, C, D and E as follows:

'F' costs are the sum of the work shown in items A and E;
'G' costs are for B accomplishments;
'H' costs are for C accomplishments;
'I' costs are for D accomplishments.
'J' costs do not have a companion A, B, C or D accomplishment, but are for reporting non-mileage related eligible costs or participation in a reconstruction/widening job and include pavement management costs. Please also indicate the percentage of the listed costs that was done by contract.

PAVEMENT MANAGEMENT section (K)
Please estimate the total costs you incurred to accomplish 'pavement management' as you know it. Appropriate costs (labor and equipment) could include the following typical items:

*Designated field condition reviews by foremen or superintendents in preparation for selecting seal coat projects;
*Management meetings or field reviews to confirm or modify pavement rehab programs;
*Clerical/technician time to prepare lists, maps and other documents as well as cost analyses; also maintenance and updating of appropriate historical records;
*Consultant costs plus your administrative costs to oversee and direct consultant work.

The administrative rules also allow for the use of CAPA funds for pavement management. Most counties will likely not dedicate any of their CAPA funds to this activity and should enter a 'zero' here. However, if you have internally allocated some of your CAPA funds to PMS, please show the amount and include a brief description of how they were used.

TOTAL CAPA FUNDS RECEIVED section (L).
Your monthly checks from the State Treasurer will include a breakdown of CAPA versus regular gas tax. This distribution will come to you as revenue code 334.03.72. Include the total CAPA funds received thru December 31st of the reporting year. We will crosscheck this against our records.

CAPA FUNDS EXPENDED ON FREIGHT AND GOODS TRANSPORTATION SYSTEM (M).
List the amount of CAPA funds expended on roads classified as described in the Freight and Goods Transportation System Study.

CERTIFICATION section (N).
Spaces are provided for indicating both the preparer and the approver. The approving authority should be the county engineer or public works director.

IV. DUE DATE: All information is to be submitted to CRAB no later than April 1, next year, and should accompany your annual construction report.

V. QUESTIONS: All questions should be addressed to Randy Hart at 360-664-3299 ext. 232.

County Arterial Preservation Program _____ County

ACTIVITY AND COST REPORTING - _____ (YEAR)

ACCOMPLISHMENTS 2000	ARTERIAL				ACCESS [3]	
	ARTERIAL TOTAL [1]		CAPP-FUNDED [2]			
	C/L MILES	LANE MILES	C/L MILES	LANE MILES	C/L MILES	LANE MILES
A. Sealcoating						
B. Thin overlays						
C. Structural overlays						
D. Preleveling and leveling courses						
E. Preparation only						
TOTALS	0.00	0.00	0.00	0.00	0.00	0.00

Instructions reference key

EXPENDITURES 2000	ARTERIAL				ACCESS [3]	
	ARTERIAL TOTAL [1]		CAPP-FUNDED [2]			
	Dollars	Percent by Contract	Dollars	Percent by Contract	Dollars	Percent by Contract
F. Sealcoating						
G. Thin overlays						
H. Structural overlays						
I. Preleveling and leveling courses						
J. Other eligible work						
TOTALS	$0		$0		$0	

Instructions reference key

K PAVEMENT MANAGEMENT

Include both TOTAL and CAPA - funded amounts spent for development, implementation or operation

	PMS EXPENDITURES
TOTAL PMS	
CAPA - FUNDED PORTION OF PMS	

L TOTAL CAPA FUNDS RECEIVED IN 2000 _____

M CAPA FUNDS EXPENDED ON FREIGHT AND GOODS TRANSPORTATION SYSTEM _____

N CERTIFICATION:

Prepared by _____ Title _____ Date _____

Approved by _____ Title _____ Date _____

4.F. AGREEMENT TO DO WORK FOR OTHER PUBLIC AGENCY

AGREEMENT

This Agreement, made and entered into this _____ day of _____, _____, by and between _____ County, Washington, a political subdivision of the State of Washington, hereinafter referred to as the "County"; and_____, hereinafter referred to as the "Agency".

WITNESS: It Is Hereby covenanted and agreed as follows:

1. (To be used in agreement covering a specific job). The Agency requests that the County perform the work listed below at time and in a manner convenient to the County. The Agency further requests that work be completed no later than _____ and hereby guarantees reimbursement to the County for all work done up to a maximum of $_____. (Use space below to describe work to be done).

2. (To be used in long term non-specific agreement in lieu of paragraph 1). For each project to be performed under this contract, the Agency will make written application on forms (CRAB #102) supplied by the County. The County reserves the right to deny or approve each application of the Agency on an individual basis.

3. (Optional provision if desired by the Agency). The County shall provide the necessary engineering, administrative and clerical services necessary for the execution of the project or work of the Agency, and in providing such services, the County Engineer may exercise all the powers and perform all the duties vested by law in the he Agency.

4. (Reimbursement provisions). The Agency hereby agrees to reimburse the County for the costs of the work performed by the County Road Department, based on the actual cost of labor, equipment rental, engineering, materials used in the construction or maintenance work involved, plus all costs for fringe benefits to labor, including, but not limited to, Social Security, retirement, industrial and medical aid costs, prorated sick leave, holidays and vacation time, and group medical insurance. In addition thereto, _____ per cent of the total costs shall be added for overhead costs for accounting and billing and administrative services; provided, that the County shall submit to the Agency a certificate statement of the costs and within thirty (30) days thereafter the Agency shall pay to the County the amount of said statement.

5. (Hold harmless provision for use with state and local agencies.) It is understood and agreed between the parties hereto that the Agency will hold the County harmless from all claims, losses, demands, actions, or cause of action of any nature whatsoever by reason of the performance of this agreement by the County. The Agency further agrees to defend, at its own expense, the County in the event that any action is brought against the County as a result of any act or activity of the County or its agents or employees because of or in any way arising out of the work to be performed under this contract.

6. (Hold harmless provisions for use with federal agencies.) "The liability of the United States of America, Department of _____, for all damage to property or injury to persons occurring as a result of any negligent act or omission on the part of the petitioner or its contractor, employees or assigns, shall be as provided for by the Federal Tort Claims Act, 62 Stat. 982. _____ County disclaims any liability for any or all damage to property or injury to persons caused or arising from this permit."

"All employees' agents of the county performing work for the United States Department of _____ shall be employees' agents of the Department of _____ during the performance of the work under the agreement and the liability of the county shall be limited to the liability of the Department of _____ as provided for in the Federal Tort Claims Act."

7. (Insurance provisions.) The agency agrees to procure and maintain in full force and effect, that the County to be named as a named insure, public liability insurance in the sum of not less than _____ to _____ public liability and _____ property damage.

8. (Assignment provisions.) It is understood and agreed between the parties that this contract cannot be assigned, transferred or any portion subcontracted thereunder by the County without the prior written permission of the Agency.

9. (Reference to statute.) The County, in the performance of work under this contract shall abide by the provisions of RCW 35.77.020, .030 and .040 and/or RCW 39.34 and/or RCW _____, whichever is applicable and WAC 136-32. (RCW 35.77.020 requires adoption of this agreement by resolution of the Board of County Commissioners in the case of work on city streets.)

In Witness Whereof, the parties hereto have hereunto set their hands and seal the day and year first above written.

Attest:

_____County, Washington

_____
County Auditor
Clerk of the Board of County Commissioners

By _____
Chairman

Approved as to form:

_____

_____
Board of County Commissioners

_____

Prosecuting Attorney of _____County

_____
Name of Agency

Approved as to form:

By_____

_____
Agency Attorney

_____
Title

NOTE: This is a sample form, which contains several alternate provisions and several optional provisions. **DO NOT USE THIS FORM WITHOUT MAKING MODIFICATIONS TO SUIT YOUR PARTICULAR SITUATION.**

Please note the explanatory test in italics preceding each section.
Use **EITHER** Section 1 **OR** Section 2.
Section 3 is **OPTIONAL**.
Section 4 assumes total reimbursement. If it does not fit your situation, change it.
Use **EITHER** Section 5 **OR** Section 6

CRAB Form 101

4.G. REQUEST TO COUNTY ROAD DEPARTMENT FOR REIMBURSEMENT OF WORK

To The County Engineer:

Pursuant to terms of an agreement between the county and _____
(*Name of Requesting Agency*) _____
adopted and approved on _____ the undersigned hereby requests the county to perform the work listed below at a time and in a manner convenient to the county. The undersigned further requests that the work be completed no later than _____ and hereby guarantees reimbursement to the county for all work done up to a maximum of $_____.

All terms of said agreement shall apply with the following exceptions:

(***list exceptions if any***)

DATE_____ SIGNATURE_____
(Agency Representative)

TITLE_____

✵✵✵

4.H APPLICATION AND PERMIT FOR WORK WITHIN COUNTY RIGHT-OF-WAY

_____COUNTY

COURTHOUSE, _____ WASHINGTON _____ PERMIT NO. _____

✵✵✵

INSTRUCTIONS FOR APPLICANTS

Applicants for permits to occupy county property with utilities, or holders of granted franchise rights contemplating work upon, along, over, under or across any county road, bridge, wharf, trestle, public place, street, avenue or alley on property in the County, shall first file with the County Engineer, his or their application to do such work.

Such applications shall be In triplicate and, accompanied by drawings, also in triplicate if required by the County Engineer. Drawings shall be to a working scale, showing position and location of work, names or numbers and width of roads, streets, etc., showing their location in plats, or subdivisions of sections, township and range, showing the relative position of such work to existing utilities, constructed, laid, installed or erected upon such roads, streets or public places.

The applicant shall specify the type of construction by submitting plans showing the class of material and the manner in which the work is to be accomplished. All such materials and equipment shall be of the highest quality and the manner of excavation, fills, construction, installation, erection of temporary structures, traffic turnouts, road obstruction, barricades, etc., shall meet with provisions of the County Utility Accommodation Policy (WAC 136-40), and shall require approval by the County Engineer. Signing, barricades and traffic control in the vicinity of the work shall strictly conform to provisions of "The Manual on Uniform Traffic Control Devices for Streets and Highways." The applicant shall pay to the County all costs of, and expenses incurred in the examination, inspection and supervision of such work on account of the granting of said permits.

The actual location of the work to be done under this permit, its depth below or above surface or grade of any County structure, road, street, avenue, alley or public place shall be approved by the County Engineer before any work shall be done by the petitioner.

PERMIT CONDITIONS

1. The petitioner, designated herein as the "grantee" , his successors and assign, shall have the right and authority to enter upon the right of way of the County road, street, alley, public place or structure as indicated on the front of this form, for the purpose of doing such work as applied for and approved by the County Engineer.

2. The location, type of work, materials and equipment used, manner of erection or construction, safeguarding of public traffic during work or after doing same, mode of operation and manner of maintenance of project petitioned for, shall be approved by the County Engineer prior to start of work and shall be subject to the inspection of the county Engineer so as to assure proper compliance with the terms of this permit.

3. The grantee shall commence work within 30 days after the granting of this permit. If, at end of six (6) months after date of granting same the grantee shall have not completed the installation, then the rights herein conferred shall cease and terminate.

4. The grantee shall leave all roads, streets, alleys, public places, and structures after installation and operation or removal of utility, in as good and safe a condition in all respects as same were in before commencement of work by grantee.

5. In case of any damage to any roads, streets, public places, structures or public property of any kind on account of said work by the grantee, he will at once repair said damage at his own sole cost and expense.

6. The County Engineer, his agents or representatives may do, order, or have done any and all work considered necessary to restore to a safe condition any street, alley, public place or structure which is in a condition dangerous to a life or property resulting from the Grantee's facility or its installation as permitted misted herein, and upon demand the grantee shall pay to the County all costs of such work and material.

7. If at any time the County deems it advisable to widen, grade, regrade, plank, pave, improve, alter or repair any road, street public place or structure, the grantee upon written notice by the County Engineer, his representatives or agents, will at his own sole cost and expense, raise, lower, change, move or reconstruct such installations to conform to the plans of work contemplated or ordered by the County.

8. If upon written notice by the County Engineer the grantee fails to relocate any portion or all of the project as granted under this permit, the County, its agents or representatives may do any work at the cost and expense of the grantee, and all costs to remove or reconstruct same, shall be born by the grantee.

9. All such changes, reconstruction or relocation by the grantees shall be done in such manner as will cause the least interference with any of the County's work and shall be subject to the same provisions which control an original installation. The County shall in no wise be held liable for any damage to the grantee by reason of any such work by the County, its

agents or representatives, or by the exercise of any rights by the County upon roads, streets, public places or structures in question. The grantee shall have twenty-four (24) hours written notice by the County Engineer or his representatives or agents of any blasting contiguous to the grantee's permit rights in order that he may protect his interests.

10. This grant or privilege shall not be deemed or held to be an exclusive franchise, nor prohibit the County from granting other permits or franchise rights of like or other nature to other public or private utilities, nor shall it prevent the county from using any of its roads, streets, public places for any and all public use, or affect its jurisdiction over all or any part of them.

11. All the provisions, conditions, regulations and requirements herein contained shall be binding upon the successors and assigns of the grantee and all privileges of the grantee shall inure to such successors and assigns as if they were specifically mentioned.

12. The County Engineer may revoke, annul or terminate this permit if grantee fails to comply with any or all of its provisions, requirements or regulations as herein set forth or through willful or unreasonable neglect, fails to heed or comply with notices given him or if the work herein permitted, is not installed or operated and maintained in conformity herewith or at all.

13. The Board of County Commissioners may at any time, change, amend, modify, amplify or terminate any of the conditions herein enumerated so as to conform to any state statute or county regulation pertaining to the public welfare, safety, health or highway regulations as are, or may hereinafter be enacts ad, adopted or amended, etc. The Board may terminate this permit if grantee fails to comply with any such changes.

14. Petitioner by accepting this permit agrees to notify and check with all utilities regarding their installations before commencing work, together with private property owners when such property is liable to injury or damage through the performance of such work, and the applicant shall make all necessary arrangements relative to the protection of such property and/or utilities.

15. In accepting this permit the petitioner, his successors and assigns, agrees to protect and save harmless the County from all claims, actions or damages of every kind and description which may accrue to or be suffered by any person or persons, corporation or property by reason of the performance of any such work, character of materials used or manner of installation, maintenance and operation or by the improper occupancy of rights of way or public place or public structure and in case any such suit or action is brought against said County for damages arising out of or by reason of any of the above causes, the petitioner, his successors or assigns will upon notice to him or them or commencement of such action defend the same at his or their sole cost and expense and will fully satisfy any judgment after the said suit or action shall have finally been determined if adversely to the county.

4.I DEDICATION DEED

GRANTOR (S)_____for and in consideration of the sum of ($) Dollars, to us in hand paid, and in further consideration of the general public welfare, do by these presents grant, convey and dedicate to _____ County, State of Washington, for the use of the public as a county road and appurtenances the following described real property in the County of , State of Washington:

TO HAVE AND TO HOLD the said described premises unto the said _____ County and its successor or successors for the use of the public forever.

WITNESS our hands and seals this _____day of _____.

_____ _____ (Seal)

_____ _____ (Seal)

STATE OF WASHINGTON)
) ss.
County of)

(Individual or corporate acknowledgment)

NOTE: This deed form is recommended for use for most county road right of way acquisitions. Property so acquired will revert to the parcel from which it came if the statutory vacation procedures are invoked. In special cases involving court action and/or substantial remuneration, the local prosecutor should be contacted regarding possible use of quit claim or warranty deed.

CRAB Form 105

4.J STATUTORY WARRANTY DEED

Statutory Warranty Deed

FILED FOR RECORD AT REQUEST OF

_____ COUNTY DEPARTMENT OF PUBLIC WORKS

(ADDRESS)

(ADDRESS)

PARCEL NO.

THE GRANTOR(S): _____ for and in consideration of_____ in hand paid, conveys and warrants to _____ COUNTY, a municipal corporation of the State of Washington the following described real estate, situated in the County of _____, State of Washington:

Dated_____, 20__.

_____

_____

_____

STATE OF WASHINGTON)

) §

County of _____)

I certify that I know or have satisfactory evidence that _____ is the person acknowledged that _____ signed this instrument and acknowledged it to be _____free and voluntary act for the uses and purposes mentioned in the instrument.

_____

DATED this _____ day of_____, 20__.

_____
Signature

Title:_____
Notary Public in and for the State of Washington
My appointment expires: _____

ACCEPTED THIS _____ DAY OF

_____, 20__.

BOARD OF COUNTY COMMISSIONERS
OF _____ COUNTY, WASHINGTON

_____
CHAIRMAN

_____
COMMISSIONER

_____
COMMISSIONER

ATTEST: _____
Clerk of the Board

4.K CONTRACT OF EMPLOYMENT FOR (PART-TIME) COUNTY ROAD ENGINEER

Contract of Employment
For Part-Time County Engineer
Resolution #_____

WHEREAS, RCW 36.80.010 requires that the Board shall retain a county road engineer, and

WHEREAS, the Board has determined that it is in the best interests of _____ County road engineer serve on a part-time basis, and

WHEREAS, _____ is a registered and licensed professional civil engineer under the laws of this state, duly qualified and experienced in highway and road engineering and construction, and

WHEREAS, WAC 136-12-070 requires that the terms of employment of a part time county engineer shall be set forth in a contract adopted by resolution of the Board,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of _____ County, Washington, convened in regular session at _____, Washington, that:

1. _____ serve as County Engineer at the pleasure of the Board.

2. The County Engineer shall 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; supervise, under the direction of the Board, the establishing, laying out, constructing, altering, improving, repairing, and maintaining all county roads in the county; shall prepare or supervise the preparation of plans and specifications for all road construction work where necessary; shall keep and maintain all records as required by statute; and shall perform such other duties as may be required by the Board.

3. _____ *(Assistant County Road Engineer)* shall be responsible to the County Engineer for the day-to-day administration of the road department and shall direct its activities in accordance with applicable statutes and the instructions of the County Road Engineer.

4. _____(*Appointee)* shall be compensated for his services as County Engineer at the rate of _____. In addition, _____(*Appointee*) shall be reimbursed for necessary travel expenses at the rate of _____. (*It may be desirable here to add provisions relating to projects of major significance that would require more than just part-time work on the part of the County Engineer, and therefore may require additional compensation.)*

5. _____ (*Appointee*) shall give an official bond to _____ County in the amount of _____ dollars, conditioned on the fact that he will faithfully perform all the duties of his employment and account for all property of the county entrusted to his/her care.

6. _____ as County Engineer shall meet and report to the Board each _____ .

7. Such action within this resolution is in the best interests of _____ County and said resolution shall take effect immediately.

SIGNED AND SEALED this _____ day of _____, at _____, Washington.

_____

_____

_____

Recommended for use in connection with WAC 136-12-070

CRAB Form 108

4.L CERTIFICATION OF ROAD FUND EXPENDITURES FOR TRAFFIC LAW ENFORCEMENT

STATE OF WASHINGTON
COUNTY ROAD ADMINISTRATION BOARD

RURAL ARTERIAL PROGRAM
CERTIFICATION OF ROAD FUND EXPENDITURES FOR TRAFFIC LAW ENFORCEMENT

Submitting County: _____ Budget Year: _____

Total Road Levy

Valuation: $ _____
Levy Rate ($/Thousand): _____
Revenue Produced (Computed): $ _____
Actual Revenue Produced: $ _____

Budgeted for Traffic Law Enforcement:

Budgeted Levy Rate ($/Thousand): _____
Revenue Produced (Computed): $ _____
Actual Revenue Produced: $ _____

OR

Budgeted Transfer Amount: $ _____
Actual Amount Transferred From Road Fund: $ _____

OR

Budgeted Payment Amount $ _____
Actual Amount Paid From Road Fund for Services Received $ _____

RCW 36.79.140 provides that only those counties that during the preceding twelve months have spent all revenues collected for road purposes only for such purposes, including traffic law enforcement, as are allowed by Article II, Section 40 of the Washington State Constitution, are eligible to receive funds from the Rural Arterial Trust Account.

We, the undersigned, hereby certify that the amount spent for traffic law enforcement during calendar year 20__ was $ _____.

County Sheriff:

_____ _____
Date

County Auditor:

_____ _____
Date

Chair/Executive:

_____ _____
Date

Return to: Jay Weber, Director
County Road Administration Board
2404 Chandler Court S.W., Suite 240
Olympia WA 98504-0913

Due Date:March 15, 20__

4.M. CERTIFICATION OF ROAD LEVY AND ESTIMATED REVENUE PRODUCED

STATE OF WASHINGTON COUNTY ROAD ADMINISTRATION BOARD

CERTIFICATION OF THE 20___ ROAD LEVY AND ESTIMATED REVENUE PRODUCED
(WAC 136-150-021)

Submitting County: _____ Total County Valuation: _____

	($/Thousand)	*Road District Valuation*	*Revenue Produced From County Road Property Tax*
Maximum Permissible Road Levy:	*$ _____ (1)*	*$ _____ (2)*	*$ _____ (1x2=3)*

County Road Property Tax Shifted to Current Expense in Accordance with RCW 84.52.043:

	($/Thousand)	*Road District Valuation*	*Revenue Lost From County Road Property Tax*
Levy Shift:	*$ _____ (4)*	*$ _____ (2)*	*$ _____ (4x2=5)*

Total Road Levy:

	($/Thousand)	*Road District Valuation*	**Total Revenue Produced**
Levy Fixed in Accordance With *RCW 36.40.090:*	*$ _____ (1-4=6)*	*$ _____ (2)*	*$ _____ (6x2=8)*

County Road Property Tax Revenues Budgeted For Other Purposes In Accordance With RCW 36.33.220:

Service to be Provided:	***Funded From: D.L.[1] T.O.[2] D.P.[3]***	***$/Thousand (If Diverted Levy)***	***Revenue Produced & Budgeted:***
1. Traffic Law Enforcement	☐ ☐ ☐	*$ _____*	***$ _____***
2. _____	☐ ☐ ☐	*$ _____*	*$ _____*
3. _____	☐ ☐ ☐	*$ _____*	*$ _____*
Total "Diverted":		***$ _____ (9)***	***$ _____ (10)***

[1] D.L.= Diverted Levy
[2] T.O. = Transfer Out
[3] D.P.= Direct Payment

Revenues Remaining for Roads (RCW 36.82.040)	*$ _____ (6-9)*	*$ _____ (8-10)*

Note: *WAC 136-150-021 provides that "The CRABoard will request that every county legislative authority submit a certification showing the amount of the road levy fixed and the amount, if any, budgeted in accordance with RCW 36.33.220 for traffic law enforcement and/or any other purpose from diverted road levy no later than February 1st of each year".*

Certification Submitted By: _____

Print Name and Title _____
On Behalf of the Legislative Authority

5.A. ACCOMMODATION OF UTILITIES ON COUNTY ROAD RIGHTS-OF-WAY

5.A.1. Model Ordinance/Resolution

ACCOMMODATION OF UTILITIES ON COUNTY ROAD RIGHT-OF-WAY
FOR _____ COUNTY

(Adopted by [Ordinance][Resolution] _____, effective _____)

1. PURPOSE

The purpose of this [ordinance][resolution] is to establish a county policy to provide administrative and procedural guidance needed to accommodate the installation and relocation of all above and below ground utilities which are located within the county road right-of-way.

2. APPLICATION

This policy shall apply to all new franchises and permits issued pursuant to RCW 80.32.010, RCW 80.36.040 and RCW 36.55, to all public and private utilities, and to all installation and relocation of utilities within the county road right-of-way, including but not limited to electric power, telephone, television, telegraph, communication, water, gas, all petroleum products, steam, chemicals, sewage, drainage, irrigation, and similar pipes, lines or cables.

This policy cannot address all situations and conditions that may be encountered. Specific provisions contained herein may not be appropriate for all locations and existing conditions. The policy is intended to assist, but not substitute for, competent work by both road and utility design and installation professionals. This policy is not intended to limit any innovative or creative effort that could result in better quality, better cost savings or improved safety characteristics.

It shall be the responsibility of any utility installing or relocating any of its facilities to ascertain and abide by the requirements and conditions of this policy.

3. DEFINITION OF TERMS

Unless otherwise stated, words and phrases used herein shall have the following meanings:

a. Appurtenance - Equipment and/or accessories which are a necessary part of an operating utility system or subsystem.

b. Backfill - replacement of excavated material with suitable material compacted as specified.

c. Boring - Grade and alignment-controlled mechanical or other method of installing a pipe or casing under a road without disturbing the surrounding medium.

d. Carrier - pipe directly enclosing a transmitted fluid or gas.

e. Casing - a larger pipe enclosing a carrier for the purpose of providing structural or other protection to the carrier and/or to allow for carrier replacement without re-excavation, jacking or boring.

f. Coating - protective material applied to the exterior of a pipe or conduit to prevent or reduce abrasion and/or corrosion damage.

g. Conduit - an enclosed tubular runway for protecting wires or cables.

h. Cover - depth to top of pipe, conduit, casing or gallery below the grade of a road or ditch.

i. Drain - appurtenances to discharge accumulated liquids from casings or other enclosures.

j. Encasement - structural element surrounding a pipe or conduit for the purpose of preventing future physical damage to the pipe or conduit.

k. Franchise - occupancy and use document granted by the county required for occupancy of road rights of way in accordance with RCW 36.55 and RCW 80.32.

l. Gallery - underpass for two or more utility lines.

m. Manhole - an opening in an underground utility system into which workers or others may enter for the purpose of making installations, inspections, repairs, connections, cleaning, and testing.

n. Pavement - the combination of subbase, base course, and surfacing placed on a subgrade to support the traffic load and distribute it to the subgrade.

o. Permit - a document issued under the authority of (1) the County Engineer (or Public Works Director) and/or (2) a franchise granted by the County's legislative authority. The permit provides specific requirements and conditions for specific utility work at specific locations within the right of way.

p. Pipe - a structural tubular product designed, tested, and produced for the transmittance of specific liquids and gases under specific conditions.

q. Plowing - direct burial of utility lines by means of a 'plow' type mechanism, which breaks the ground, places the utility line at a predetermined depth, and closes the break in the ground.

r. Pressure - internal gage pressure in a pipe in pounds per square inch, gage (psig).

s. Private Lines - privately owned, operated and maintained utility facilities devoted exclusively to the use of the owner.

t. Relocation - Planned change of location of an existing facility to a more advantageous place without changing the character or general physical nature of the facility.

u. Replacement - Installation of a like element of a utility system or subsystem in the same or near-same physical location normally due to damage, wear or obsolescence of the element.

v. Restoration - all work necessary to replace, repair or otherwise restore the right of way and all features contained within to the same or equal condition as before any change or construction thereto.

w. Right-of-Way - a general term denoting public land, property, or interest therein, usually in a strip, acquired for or devoted to transportation or secondary purposes.

x. Road (or Roadway) - a general term denoting a street, road or other public way, including shoulders, designated for the purpose of vehicular traffic.

y. Sleeve - short casing through a pier, wall or abutment of a highway structure.

z. Traffic Control - those activities necessary to safeguard the general public, as well as all workers, during the construction and maintenance of utility facilities within the right of way.

aa. Trenched - installation of a utility in an open excavation.

bb. Untrenched - installation of a utility without breaking the ground or pavement surface such as by jacking or boring.

cc. Vent - appurtenance to discharge gaseous contaminants from casings or other enclosures.

4. GENERAL CONDITIONS AND REQUIREMENTS

A. LOCATION

(1) Utility installations shall be located to minimize need for later adjustment to accommodate future roadway improvements and to permit access to servicing such installations with minimum interference to roadway traffic. Counties shall make available to utilities a copy of their six-year transportation improvement program (or capital facilities and transportation plan where required,) in order to minimize both utility customer and road user inconvenience should future road improvements (on existing or new alignment) require adjustment or relocating of the utility facilities. Said utilities shall, within the limits of standard business practice, make available appropriate short and long range development plans to the county.

(2) Unless otherwise approved by the county, all above-ground utilities and their appurtenances as well as all above-ground appurtenances of below-ground utilities that may constitute a roadside obstacle for traffic using the road shall be located as close as practicable to the edge of the right-of-way line. If an appurtenance within the right-of-way would constitute an unacceptable roadside obstacle, said obstacle may be:

(a) relocated to another place within the right-of-way,
(b) converted to a break-away design,
(c) crash-protected, or
(d) relocated to another location off the road right-of-way.

(3) Installations that are required for a road purpose, such as street lighting or traffic signals, are to be located and designed in accordance with this policy.

(4) Where existing facilities are in place, new facilities shall be compatible with the existing installations and conform to this policy as nearly as practicable.

B. DESIGN – GENERAL

(1) The utility shall be responsible for the design of the utility facility being proposed. This responsibility shall include, in addition to the integrity of the proposed utility facility, provisions for public safety during the course of construction, as well as consideration of traffic safety and accident potential for the life of the installation.

(2) For work requiring application to the county, the county may review and approve the utility's plans with respect to:

(a) location,
(b) the manner in which the utility facility is to be installed,
(c) measures to be taken to preserve safe and free flow of traffic,
(d) structural integrity of the roadway, bridge, or other structure,
(e) ease of future road maintenance, and appearance of the roadway.

(3) Provision shall be made for known or planned expansion of the utility facilities, particularly those located underground or attached to bridges or other structures within the right of way.

(4) Granting of a franchise or permit shall not imply or be construed to mean the county shall be responsible for the design, construction, or operation of the facility or for public safety during the facility's installation, operation, or maintenance.

C. STANDARDS AND CODES

All utility installations shall be designed in accordance with the standards, codes and regulations applicable to the type of utility. The methods of installation and materials used shall conform to the codes and standards promulgated by government and by the industry. This shall also include any road design standards that the county shall deem necessary to provide adequate protection to the road, its safe operation, appearance and maintenance.

D. ADJUSTMENT AND RELOCATION OF EXISTING FACILITIES

(1) Existing underground utilities on county road right of way may be removed or relocated when road work funded by the county would disturb the existing underground utility. All such removal or relocation shall be at the sole expense of the owning utility and all work must be accomplished by the same permitting process as for new installations.

(2) Notwithstanding reinforcement or protection otherwise provided, a permittee shall be responsible for the security of each existing pipeline and utility within a road construction zone. Where there are unusual utility hazards or where heavy construction equipment will be used, the permittee shall provide adequate temporary protection. In replacing the roadway, the design should give due consideration to the protection of previously existing utilities in the roadway section without sacrificing the geometrics of roadway design.

5. PERMITS

A. GENERAL REQUIREMENTS

For work not authorized by franchise, comprehensive plan, or other agreement, a written permit may be required for occupancy of road right-of-way by all utility facilities, including private lines. No facility shall be used for other than the purpose stated, unless written approval is granted by the county.

B. SPECIFIC REQUIREMENTS

When required, permit applications shall be submitted in a standard format as prescribed by the county. The permit application shall include the following information:

(1) Agreement to all pertinent provisions of this policy and to such special conditions as the county may deem appropriate.

(2) Description of the facilities to be installed.

(3) Adequate exhibits depicting existing or proposed location of the facility in relation to the road, including right-of-way or easement lines; relationship to currently planned road revisions, if applicable; and all locations and situations for which deviations in depth of cover (including the proposed method of protection) or other location standards are anticipated.

6. SPECIFIC REQUIREMENTS - UNDERGROUND UTILITIES

A. UNDERGROUND UTILITIES - LOCATION AND ALIGNMENT

(1) For all crossings, the angle of crossing should be as near a right angle to the road centerline as practicable. However, lesser angles may be permitted based upon economic considerations of practical alternatives.

(2) Where practicable, crossings should avoid deep cuts, footings of bridges and retaining walls, or locations where highway drainage would be affected.

(3) Longitudinal installations should run parallel to the roadway and lie as near as practicable to the right-of-way line. Installations that cannot be so installed will be allowed within the right of way, provided that:

(a) The installation will not adversely affect the design, construction, stability, structural integrity, traffic safety, or operation of the road facility; or

(b) Failure to allow such installation will create an undue hardship or financial burden upon the utility.

(4) Where irregularly shaped portions of the right of way extend beyond the normal right of way limits, a uniform alignment of facilities shall be allowed.

B. UNDERGROUND UTILITIES - COVER

The grade of and resulting cover for an underground utility shall be in compliance with applicable federal, state and county requirements unless otherwise specified.

C. UNDERGROUND UTILITIES - ENCASEMENT

(1) Casings shall be installed for roadway crossings where required by appropriate industry code.

(2) Casings may be required for the following conditions:

(a) As an expediency in the insertion, removal, replacement, or maintenance of a carrier line crossing or other locations where it is necessary in order to avoid open trench construction.

(b) As protection for carrier lines from external loads or shock either during or after construction of a road.

(c) For jacked or bored installations of coated carrier lines unless assurance is provided to the county that there will be no damage to the protective coating.

(3) Within the road right of way, where practicable, casing pipes shall extend beyond the toe of fill slopes, back of roadway ditch, or outside of curb.

(4) Other than for necessary vents and/or drains, casing pipes shall be sealed at both ends.

(5) Casing pipes shall be designed to support the load of the road and superimposed loads thereon and, as a minimum, shall equal the structural requirements for road drainage facilities. Casings shall be composed of materials of sufficient durability to withstand conditions to which they may normally be exposed.

D. UNDERGROUND UTILITIES - UNCASED CARRIERS

(1) The carrier pipe shall conform to the material and design requirements of the appropriate utility industry and governmental codes and specifications.

(2) The carrier pipe shall be designed to support the load of the road, plus superimposed loads thereon, when the pipe is operated under all ranges of pressure from maximum internal to zero pressure.

E. UNDERGROUND UTILITIES - APPURTENANCES

(1) Vents shall be required for casings, tunnels and galleries enclosing carriers of fuel where required by federal safety standards. Vent standpipes should be located and constructed so as neither to interfere with maintenance of the road nor to be concealed by vegetation. Preferably standpipes should stand by a fence or on the right-of-way line.

(2) Drains shall be required for casings, tunnels or galleries enclosing carriers of liquid, liquefied gas, or heavy gas. Drains for carriers of hazardous materials shall be directed to natural or artificial

holding areas to prevent the potential for surface or ground water contamination. Drains for which only water or other non-hazardous liquids may discharge may be directed into the roadway ditch or natural water course at locations approved by the county. The drain outfall shall not be used as a wasteway for routine purging of the carrier unless specifically authorized by the county.

(3) Location markers and emergency information should be used when required by applicable state and federal standards.

(4) Manholes should be designed and located in a manner that will cause the least interference to other utilities or future road expansion. Where practicable, installations in the pavement or shoulders should be avoided.

F. UNDERGROUND UTILITIES - INSTALLATION

Installations shall ensure safety of traffic and preservation of the roadway structure, and required construction shall, unless otherwise provided in the approved permit, be in accordance with the following controls:

(1) Trenched Construction and Backfill:

(a) Where the pavement must be removed, it first shall be cut in vertical (or undercut) continuous straight lines.

(b) Trenches shall be cut to have vertical faces, where soil and depth conditions permit, with a maximum width of outside diameter of pipe plus 2 feet. Shoring shall comply with the Washington State Department of Labor and Industries Safety Code.

(c) The pipe or carrier shall be installed and the trench backfilled in a manner assuring no deformation of the pipe likely to cause leakage and restoration of the structural integrity of the roadway structure. Specific trench backfill requirements regarding materials and methods shall be provided by the county.

(d) When trenching is approved on paved roads, the pavement shall be restored as required by the county.

(2) Untrenched construction may be required for pipelines crossing roads paved with asphalt concrete or cement concrete and for roads paved with bituminous surface treatment when directed by the county.

(a) If sufficient right-of-way exists, the length of untrenched construction shall extend a minimum of 4 feet from edge of pavement, except that a lesser standard may be permitted by the county engineer where conditions warrant.

(b) Overbreaks, unused holes, or abandoned casings shall be backfilled as directed by the county engineer.

(c) Water boring under roadways shall not be permitted.

(d) Existing carriers and conduit installed under a roadway may be physically located prior to pipeline installation.

(3) Plowing of communication and electrical lines on or adjacent to existing roads by means of a vibrator plow may be allowed by the county, provided that the structural integrity of the roadway is not impaired.

G. UNDERGROUND UTILITIES - ONE CALL SYSTEM

Utility facilities shall be located and identified in accordance with Title 19 RCW, Chapter 19.122, sections 19.122.010 through 19.122.900 (Washington State One Call System).

7. SPECIFIC REQUIREMENTS - OVERHEAD UTILITIES

A. POWER AND COMMUNICATION LINES

(1) Single-pole construction and joint use of the pole is desirable and should be used whenever feasible.

(2) The minimum vertical clearance for overhead power and communication lines above the road and the minimum lateral and vertical clearance from bridges shall be in compliance with the National Electrical Safety Code and Washington State Department of Labor and Industries "Electrical Construction Code".

(3) Where irregularly shaped portions of the right-of-way extend beyond the normal right-of-way limits, a uniform alignment of facilities shall be allowed.

8. AESTHETIC/SCENIC CONSIDERATIONS

A. Utility installations shall be designed and constructed to minimize the adverse affect on existing roadside manmade or natural amenities. Special efforts shall be taken to minimize any potential negative impact on areas of scenic beauty (i.e., scenic strips, viewpoints, rest areas, recreation areas, public parks or historic sites, etc.).

B. Overhead utility installations shall be permitted in areas of scenic beauty when other utility locations are not available, are not technically feasible, are unreasonably costly, or are less desirable from the standpoint of visual quality.

C. If the utility intends to use chemical sprays to control or kill weeds and brush in scenic areas, prior approval must be granted by the county at least annually. The county may limit or restrict the types, amounts, and timing of applications if a significant negative impact on the aesthetics of the area is anticipated, provided such limitations or restrictions are not in conflict with State law governing utility right-of-way maintenance.

D. Refuse and debris resulting from the installation or maintenance of the utility facilities shall be promptly removed once work is completed.

9. INSTALLATIONS ON ROADWAY BRIDGES AND STRUCTURES

Attachment of utility lines to a roadway structure (including bridges) may be allowed where such attachment conforms to sound engineering considerations for preserving the roadway structure and its safe operation, maintenance and appearance. The attachment shall be in accordance with the following:

A. Attachment of a utility shall not be considered unless the structure in question is of a design that is adequate to support the additional load and can accommodate the utility facility without compromise of highway features, including reasonable ease of maintenance.

B. Manholes and other utility access panels should be avoided within the roadway portion of the structure.

C. Attachment on a structure of a pipeline carrying a hazardous transmitting shall be avoided where practicable.

D. The utility attachment shall not reduce the clearance of a structure where such clearance is critical. Attachment to the outside of a structure should be avoided where there are reasonable alternatives.

E. Utility mountings shall be of a type that shall not create noise resulting from vibration.

F. The hole created in a structure abutment shall be sleeved, shall be of the minimum size necessary to accommodate the utility line, and shall be sealed to prevent any leakage of water or backfill material.

G. The utility line back of the abutment shall curve or angle out to align outside the roadbed area in as short a distance as is operationally practicable.

H. Communication and electrical power line attachments shall be suitably insulated, grounded, and preferably carried in protective conduit or pipe from point of exit from the ground to re-entry. Carrier pipe and casing pipe shall be properly isolated from electric power line attachments.

10. MISCELLANEOUS PROVISIONS

A. PRESERVATION, RESTORATION AND CLEANUP

(1) The size of disturbed area necessary to install a utility shall be kept to a minimum.

(2) Restoration methods shall be in accordance with the specifications of the county and/or special provisions of the franchise, permit, or agreement.

(3) Unsatisfactory restoration work shall be promptly corrected by the utility. If necessary, unsatisfactory restoration work may be corrected by the county and billed to the utility.

B. TRAFFIC CONTROL AND PUBLIC SAFETY

(1) Traffic controls, including detours for all utility work, shall conform to the currently applicable "Manual on Uniform Traffic Control Devices for Streets and Highways".

(2) All construction and maintenance operations shall be planned to keep interference with traffic to a minimum. On heavily traveled roads, construction operations interfering with traffic should not be

scheduled during periods of peak traffic flow. Work shall be planned so that closure of intersecting streets, road approaches, or other access points is held to a minimum.

(3) Adequate provision shall be made to safeguard any open excavation, and shall include barricades, lights, flaggers, or other protective devices as may be necessary.

(4) The storage of materials on through roadways shall not be allowed, and parking of vehicles on through roadways shall be kept to a minimum.

C. EMERGENCY REPAIRS

(1) All utility facilities shall be kept in a good state of repair. Emergency repairs shall be undertaken in a timely manner.

(2) If emergency repairs disturb the right of way, such repairs may be immediately undertaken and the right of way restored. Approval as to the manner of final restoration of the right of way shall be secured from the county in a timely fashion.

5.A.2. Suggested Procedures and Other Issues

Receiving the model policy is only one small step in the process of creating of updating your county's formal "Accommodation of Utilities on County Road Right of Way" policy. The basic requirements and timetables are included in WAC 136-40, which is a Standard of Good Practice.

A first step should be to examine your current practices in light of the contents of the model policy. Read the model policy closely to see what it does and does not address. Items, concerns or procedures that need to be updated should be identified and remedies should be drafted into a first-cut policy. Because the final policy must be formally adopted by your legislative authority (typically requiring public hearings), it would be wise to sit down with a group of interested utilities and arrive at a practical consensus as soon as possible. It would also be appropriate to involve your legal counsel throughout the development and adoption process.

If you choose to use the model policy as a new point of beginning, you should be aware that there are some issues that are not addressed. If they are important to your county, you must develop the additional text (or modify existing) and add it into the model policy. Such issues include, but are not limited to:

1. You must develop your own permit (and other, as desired) forms and there must be some form of written permit process for other than exempted work.
2. The issue of permit fees is not discussed at all. If you charge fees, it must be an add-on to the model policy.
3. There are normally certain levels of work (typically routine maintenance) performed by your franchised utilities for which you do not require a written permit. Such exemptions, and the methods for handling them if necessary, should be clearly spelled out in your policy.
4. The issue of how long in advance of the work an applicant must submit a permit application is not addressed. You should consider specifying a reasonable permit review time before the permit is issued.
5. If there are other county standards or requirements that are applicable to utility accommodation, they should be reviewed and either referenced or incorporated into your final policy. Often such things as plat road standards may contain utility-related location requirements.
6. There are no provisions concerning penalties or sanctions for non-compliance with the policy.
7. There are no provisions for liability insurance, use of licensed sub-contractors, or third party damage indemnification. If these are important issues to you, suitable language must be added.
8. Other than referencing industry and state minimum standards, there are no depth-of-cover requirements.
9. Specific requirements for trench backfilling and pavement surface restoration are not included. If you have specific requirements that you insist be followed, they must be added in.
10. Fiber-optic lines are not treated differently than other buried lines. We are not convinced that they need special treatment (depth, protection or marking) but that is something that you need to work out with your telecommunication utilities.

11. Overhead line clearances are only required to meet NEC and L&I minimums. This can be a low as 18 feet in many instances. You should examine the L&I electrical construction code to see if you can live with their minimums.

12. Only chemical weed and brush control in 'scenic areas' is addressed in the model policy. The definition and designation of 'scenic area' should be clarified. If you desire a more comprehensive chemical use control, this section may need to be amended.

Merely adopting the model policy is not sufficient to insure that you end up with an effective process. A major purpose for adopting a comprehensive utility accommodation process is to confront and deal with the issues of county road management, and the rights and responsibilities of the utilities that desire to use the common right of way. Do not do it 'in the dark'. Sit down with all interested parties and reach a consensus that really is in the overall best public interest.

5.B. EMERGENCY LOAD LIMITATIONS ON COUNTY ROADS

5.B.1. Model Ordinance/Resolution

EMERGENCY LOAD LIMITATION ON COUNTY ROADS
FOR _____ COUNTY

(Adopted by [Ordinance][Resolution] _____, effective _____)

An Ordinance Governing Emergency Load	)	
Limitations on County Roads, the Issuance	)	
Of Special Motor Vehicle Permits to Use on	)	ORDINANCE
Weight Restricted County Roads, and Fixing)		
Penalties for Violations Thereof	)	

WHEREAS, pursuant to RCW 46.44.080, _____ County may prohibit or restrict vehicle operations or vehicle weight whenever any county road, by reason of rain, snow, climatic, or other conditions, will be seriously damaged or destroyed unless the operation of vehicles thereon is prohibited or restricted or their permissible weights reduced (such periods hereafter referred to as "load sensitive periods"); and

WHEREAS, the Board of County Commissioners of _____ County, Washington, upon recommendation of the County Engineer, has deemed it advisable to place certain restrictions on various county roads during load sensitive periods to protect such roadways from extensive damage; and

WHEREAS, an ORDINANCE has been proposed with the following sections:

1. Declaration of purpose
2. Scope and construction of terms
3. Definitions
4. Emergency load limitations
5. Special permits for authorized vehicles
6. Maximum speed permitted on posted roads
7. Penalty
8. Action for damage
9. Savings

NOW, THEREFORE, pursuant to RCW 46.44.080, BE IT HEREBY ORDAINED by the Board of County Commissioners of _____ County, as follows:

<u>SECTION 1 DECLARATION OF PURPOSE.</u>

It is hereby declared that the policy of the board of County Commissioners is to:

A. Establish general emergency load limitations upon county roads during load sensitive periods;

B. Establish special load limitations for school buses, motor trucks transporting perishable commodities or commodities necessary to the health and welfare of county residents, and motor vehicles providing services necessary for health and welfare, when such emergency load limitations are in effect.

C. Request the Washington State Patrol's assistance with weight control enforcement.

SECTION 2 SCOPE AND CONSTRUCTION OF TERMS.

The definitions in this ordinance shall control the meaning of terms used herein. Where no definition is expressly stated herein, a term shall have that meaning clearly indicated by, or reasonably implied from, the context in which such term is used.

SECTION 3 DEFINITIONS.

A. "Authorized Emergency Vehicle" means any vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington State Patrol, or ambulance service, public or private, which need not be classified, registered, or authorized by the State Patrol.

B. "Commodity necessary for health and welfare" means anything provided to the public that is necessary to provide essential shelter, food, or fuel to people and animals.

C. "County Engineer" means the county engineer, the county director of public works, or his/her designee.

D. "County Road" means every public highway or part thereof, outside the limits of cities and towns, and which has not been designated as a state highway.

E. "Gross Weight" means the total vehicle weight including load.

F. "Truck" means any motor vehicle designed or used for the transportation of commodities, merchandise, produce, freight, animals, or other things.

G. "Perishable commodity" means a product of agriculture, aquaculture, or manufacture, which by its nature is subject to destruction, decay, deterioration, or spoilage except under proper conditions.

H. "Person" means every natural person, firm, co partnership, corporation, association, or organization.

I. "Pneumatic tire" means every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon.

J. "School bus" means every motor vehicle used regularly to transport children to and from school or in connection with school activities, which is subject to the requirements set forth in the most recent edition of "Specifications for School Buses" published by the State Superintendent of Public Instruction,

but does not include buses operated by common carriers in urban transportation of school children.

K. "Service necessary for health and welfare" means any service provided to the public that is necessary to maintain essential power, gas, communications, garbage, sewer, and water services for the public.

L. "Tire width" means, in the case of pneumatic tires, the maximum overall normal inflated width, as stipulated by the manufacturer, when installed to the pressure specified and without load thereon.

M. "Vehicle" means every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway.

SECTION 4 EMERGENCY LOAD LIMITATION.

A. When the County Engineer determines that, during load sensitive periods, vehicles whose gross tire loads exceed those described in this section will seriously damage or destroy a county road, the County Engineer may impose the following limits on vehicle weights, except for authorized emergency vehicles.

Conventional Pneumatic Tires		Tubeless or Special Pneumatic Tires With .5 Marking	
Tire Width	Gross Load Each Tire	Tire Width	Gross Load Each Tire
*7.00	1800 lbs.	*8-22.5	1800 lbs.
7.50	1800 lbs.	9-22.5	1900 lbs.
8.25	1900 lbs.	10-22.5	2250 lbs.
9.00	2250 lbs.	11-22.5	2750 lbs.
10.00	2750 lbs.	11-24.5	2750 lbs.
**11.00	3000 lbs.	**12-22.5	3000 lbs.

* And Under
** And Over

B. The emergency load limitations imposed by this section shall become effective upon the erection and maintenance by the County engineer of signs designating the load limitations (visible to the operator of a vehicle as he/she enters the restricted area), and shall remain in effect until the load sensitive period ends and such signs are removed by the County Engineer.

SECTION 5 SPECIAL PERMITS FOR AUTHORIZED VEHICLES.

A. In accordance with RCW 46.44.092 and RCW 46.44.093, the county _____ is authorized, during load sensitive periods, to issue special permits for the operation (upon any county road within the county) of a vehicle or combination of vehicles exceeding the maximum loads specified in Section 4 above, to the following classes of vehicles:

(1) School buses (no extracurricular activities).
(2) Milk trucks with dual tires on rear axles and on trailers.
(3) Trucks hauling perishable commodities. To obtain a permit, drivers must show proof that at least fifty percent (50%) of their load is fresh produce and/or perishables.
(4) Garbage vehicles making pickups required for health, e.g., schools, hospitals, and institutions.
(5) Dead animal services required for health reasons.
(6) Vehicles or emergency equipment vendors hauling medical supplies (gases, drugs, etc.)
(7) Feed trucks – one trip basis only.
(8) Fuel trucks – one trip basis only, allowed to haul ½ loads on emergency basis.
(9) Vehicles engaged in septic tank pumping – emergency basis, one trip only.
(10) Public transportation vehicles.

B. A permit issued to a vehicle in one of the classes of vehicles listed in Section 5A shall be subject to the following conditions:

(1) The gross weight of such vehicle shall not exceed that amount determined by multiplying the total number of tires concentrated upon the surface of the road times the maximum allowable gross weight per tire;
(2) No allowance shall be made for any second gear axle suspended from the frame of the vehicle independent of the regular driving axle, otherwise known as "rigid tail-axles" or :drop axles".
(3) Allowance will be made for single tires only on the front of a vehicle.
(4) The load distribution on any axle of a vehicle shall be such that it will not load the tires on said axle in excess of the prescribed load, as set forth above, and any loading in excess of the specified maximum will be considered a violation of this Ordinance.
(5) In an attempt to comply with requirements of this section, the power unit of any combination shall be sufficiently designed to lawfully handle the designated weight.
(6) The special permit shall be clearly displayed in the lower right hand corner of the vehicle's windshield while moving on any restricted county road.

C. The following limits on vehicle weights shall apply to vehicles receiving permits under Section 5:

Conventional Pneumatic Tires		Tubeless or Special Pneumatic Tires With .5 Marking	
Tire Width	Gross Load Each Tire	Tire Width	Gross Load Each Tire
*7.00	1800 lbs.	*8-22.5	1800 lbs.
7.50	1800 lbs.	9-22.5	1900 lbs.
8.25	1900 lbs.	10-22.5	2250 lbs.
9.00	2250 lbs.	11-22.5	2750 lbs.
10.00	2750 lbs.	11-24.5	2750 lbs.
**11.00	3000 lbs.	**12-22.5	3000 lbs.

* And Under
** And Over

If a vehicle has ten inch (10") or wider tires on the front axle and otherwise qualifies for a permit, the vehicle may be allowed to have ten thousand pounds (10,000 lbs.) gross weight on said front axle under emergency load limitations.

Tires over eleven inches (11") in width may be issued a special permit for loads of three thousand pounds (3,000 lbs.) plus four hundred pounds (400 lbs.) per inch of tire in excess of eleven inches (11"), up to five thousand two hundred fifty pounds (5,250 lbs.) per tire.

D. Any vehicle requiring a special permit under Section 5 shall not exceed _____ miles per hour (_____ M.P.H.) on any county road subject to emergency load limitations.

E. Where a specific hardship occurs, variances from these special permit weight limitations may, at the discretion of the County Engineer, be issued on a case-by-case basis. Such variance permits may allow a vehicle to exceed the gross weight limits of this section, subject to specified times and routes of movement needed to protect the county roads from serious damage.

SECTION 6 MAXIMUM SPEED PERMITTED ON POSTED ROADS.

Except where applicable law specifies a lower speed, the County Engineer may post a reduced speed limit as low as _____ miles per hour (_____ M.P.H.) upon any county road under emergency load limitations.

SECTION 7 PENALTY.

Any person violating any emergency load limitation on a county road during a load sensitive period shall be in violation of this Ordinance. A violation of this Ordinance shall constitute a traffic infraction under the provisions of RCW 46.44.105, RCW 46.44.100, and RCW 46.44.080, subjecting the violator to the monetary penalties provided in RCW 46.44 and RCW 46.61.

SECTION 8 ACTION FOR DAMAGES.

Any person operating a motor vehicle up[on any county road in violation of any provision of this Ordinance shall be liable under RCW 46.44.110 and RCW 46.44.120 for any damage caused to such county road as the result of such violation.

SECTION 9 SAVINGS.

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

THEREFORE, after due consideration at a public hearing held at _____ in _____ the _____, this Ordinance is passed and adopted this _____ day of _____, _____.

Approved as to form:

_____
Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS

_____
Chair

_____
Vice-Chair

_____
Member

Attest:

_____
Clerk of the Board

5.C. UTILITY FRANCHISE AGREEMENT

After Recording Return To:

_____
_____
_____
_____

UTILITY FRANCHISE COVER SHEET

_____ COUNTY

WASHINGTON

Franchise No. _____

Applicant/Grantee: _____
_____
_____

Type of Facilities: _____
_____

Description of County Roads by Reference to Section, Township, and Range:
(If space is not adequate, attach a separate sheet.)

_____
_____
Applicant Name
_____
_____
Contact Person
_____
_____
Notice Address

Ordinance No: _____

Effective Date: _____

Expiration Date: _____

EXHIBIT "A"

_____ COUNTY
TERMS AND CONDITIONS OF UTILITY FRANCHISE

INDEX OF TERMS AND CONDITIONS OF UTILITY FRANCHISE

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1. Scope and Duration

(Name of Grantee) _____, a (Type of Entity) _____, its successors and assigns (hereinafter called "Grantee") are granted a franchise to enter upon and use the _____ County roads and rights-of-way for the construction, maintenance, and operation of its (type of utility facilities) _____ lines and facilities incidental to such lines for a period of _____ years, all in accord with the ordinance granting this franchise, all applicable provisions of _____ County Code, whether specifically referred to or not, this Exhibit A, Chapter 36.55 RCW, and Chapter 136-40 WAC. Provisions of (county code) shall control over inconsistent terms contained in Exhibit A. Provisions of Exhibit A not inconsistent with those in (county code) shall be cumulative to the requirements of (county code).

2. Definition of Terms

BLANKET UTILITY PERMIT	A single permit granted to a franchised utility to cover a series of activities in rights-of-way.
COUNTY	_____ County.
COUNTY COUNCIL/ COMMISSIONERS	_____ Council/ Commissioners.
COUNTY ENGINEER	County Road Engineer or his/her designee.
DEPARTMENT	Department of Public Works, _____ County.
FRANCHISE	Occupancy and use document required for occupancy of road rights-of-way in accordance with Chapters 36.55 and 80.32 RCW.
GRANTEE	The person named in any permit as permittee, and any successor to any rights or interests of a permittee under a permit or in property installed on the right-of-way pursuant to a permit./ In the event of any transfer of any permit or any property installed on the right-of-way, all grantors and grantees shall remain permittees.
MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD)	Latest edition of the MUTCD, Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation, Federal Highway Administration.
DESIGN STANDARDS	
MAP OF DEFINITE LOCATION	Construction plans; plans and specifications; design standards and specifications.
PERMIT	A document including any license, permit, or franchise, authorizing specified use of county rights-of-way and granted under the provisions of this franchise and (county code).
RESTORATION	A general term denoting replacing, repairing, or otherwise restoring the right-of-way to same or equal condition as before any change or construction began thereon.
RIGHT-OF-WAY	All property in which the county has any form of ownership or title and which is

	held for public road purposes, regardless of whether or not any road exists thereon or whether or not it is used, improved, or maintained for public travel.
ROADWAY	The portion of the right-of-way, within the outside limits of the side slopes or between curb lines, used for vehicular travel.
STATE DIRECTOR OF TRANSPORTATION	The Director of the State of Washington Transportation and Highways Commission.
TRAFFIC CONTROL	A general term more specifically defined in the MUTCD.

3. Permits, Plans, and Specifications

Prior to commencing any work, other than maintenance and repairs of existing facilities within any county road or right-of-way, Grantee shall apply for and receive a permit to do such work from _____ County pursuant to (county code). Permit applications for new wastewater collection facilities must demonstrate that the proposed facilities are consistent with the adopted _____ County GMA Comprehensive Plan as it may be amended from time to time. Such application will include plans and specifications in duplicate showing: the position, depth, and location of lines and facilities to be constructed at that time and their positions in relation to any involved county road and their locations within the right-of-way. These plans, all drawn to scale, shall be known as the "map of definite location". Specifications will include class and type of materials and equipment to be used, manner of excavation, construction, installation, and backfill; location of temporary and permanent structures to be erected; description of road facilities which will be disturbed and plans for their restoration; traffic controls; traffic turnouts and detours; road obstructions; and such other details as are required by the County Engineer. To the extent that work is permitted under a blanket utility permit issued pursuant to (county code). Detailed plans and specifications stated above are not required. Grantee shall pay all costs and expenses incurred by the County in reviewing plans and specifications.

4. Performance of Work

A. No work on any county road or right-of-way shall be commenced until a permit has been issued by the County and a set of plans and specifications, reviewed, approved, and endorsed by the County Engineer, has been returned to the Grantee.

B. All work shall be performed in accordance with applicable plans and specifications and shall be subject to inspection and incremental approval by the County Engineer. Grantee shall pay all costs and expenses incurred by

the County in inspecting and approving the work. Grantee shall remain solely responsible for compliance with all applicable laws, regulations, codes, and standard plans and specifications in the design and construction of utility facilities.

C. Lines and other facilities shall be laid in exact conformance with the map of definite location except where deviations are allowed in writing by the County Engineer pursuant to application by Grantee, in which case Grantee shall file a corrected map of definite location.

D. Any work which disturbs any soil, surface, or structure of any county road right-of-way shall be controlled by WAC 136-40, applicable design standards and specifications of the County, and applicable provisions of (county code). Grantee, at its expense, shall restore such surface or other facility or make provisions therefor, all to the satisfaction of the County Engineer. The County Engineer may cause to be done, at the expense of the Grantee, all work the county Engineer deems necessary to render any county road or right-of-way safe where a condition which is dangerous to like, health, or property is created by Grantee or where Grantee fails, upon demand by the county Engineer, to restore any facility of the County.

E. All work shall be done in accordance with the current County standards in a thorough, professional, and workmanlike manner with minimum interference in public use of the county road. Where any work includes opening of trenches and/or ditches and/or tunneling under a county road or right-of-way, Grantee shall take all precautions necessary to protect and guard the public from any condition caused by the work. Grantee shall conform to the MUTCD, including directing traffic, signs, and barricades. If any line, pole, or other facility of Grantee is so located that, in the opinion of the County Engineer, any hazard to travel of the public is created, Grantee shall remove or relocate the line, pole, or other facility at its expense upon request of the county Engineer. Grantee shall be liable for any damages, including any costs incurred by the County in remedying any failure to provide adequate traffic controls and protection to members of the public and their property.

F. Before any work which may affect any existing monuments or markers of any nature relating to subdivisions, plats, roads, or other surveys is performed under this franchise, Grantee shall reference all such monuments and markers. Reference points shall be so located that they will not be disturbed during Grantee's operations under this franchise. The method of referencing monuments or other points to be referenced shall be approved by the County Engineer. The replacement of all such monuments or markers disturbed during construction shall be made as expeditiously as conditions permit and as directed by the County Engineer. The cost of monuments or markers lost, destroyed, or disturbed, and the expense of replacement of approved

monuments shall be borne by the Grantee. A complete set of reference notes for monument and other ties shall be filed with the Department. Grantee shall comply with (county code).

G. All work shall be performed by the Grantee in a manner to avoid or minimize impacts on wetlands contained within County rights-of-way. Wetland impacts may occur where work related to installation, maintenance, and/or repair of the Grantee's facilities occur in the wetland, or near enough to decrease the wetland's functional values. If the Grantee is unable to perform its work without wetland impacts, then it shall be responsible to take measures to mitigate those wetland impacts. Those mitigation measures within the County right-of-way shall be in compliance with all applicable Federal, State, and County laws, regulations, and policies.

5. Aesthetic/Scenic Considerations

A. Utility installations shall be designed and constructed to minimize the adverse effect on existing roadside manmade or natural amenities. Special efforts shall be taken to minimize any potential negative impacts on areas of scenic beauty (i.e., scenic strips, viewpoints, rest areas, recreation areas, public parks, historic sites, etc.).

B. Overhead utility installations shall be permitted in areas of scenic beauty when other utility locations are not available, are not technically feasible, are unreasonably costly, or are less desirable from the standpoint of visual quality.

C. If the utility intends to use chemical sprays to control or kill weeds and brush in scenic areas, prior approval must be granted by the County at least annually. The County may limit or restrict the types, amounts, and timing of applications if a significant negative impact on the aesthetics of the area is anticipated, provided such limitations or restrictions are not in conflict with State law governing utility right-of-way maintenance.

D. Refuse and debris resulting from the installation or maintenance of the utility facilities shall be promptly removed once the work is completed.

6. Maintenance of Utility Facilities

The County will not assume responsibility for damage to the utility's property and various objects that are placed in county roads and rights-of-way. The Grantee will take necessary steps to maintain a clear area around all objects permitted and installed within county road right-of-way. A minimum of 5 feet of clearance will be maintained around each object so as to provide clear visibility for County operations and maintenance.

7. Hazardous Wastes, Substances

Grantee agrees that it will not cause nor permit in any manner, including accidental or non-negligent acts or omissions, release of any hazardous substance, waste, or pollutant or contaminant into or upon any county road or right-of-way contrary to any state of federal law with respect thereto. Grantee shall notify the Department and the State Department of Ecology in writing of any such release. Grantee shall be completely liable for any and all consequences of such release, including liability under any federal or state statute or at common law. Grantee shall indemnify and hold the county harmless, as provided in paragraph 10, from any and all liability resulting from such a release and shall have full responsibility for completely cleaning up, as required by any government agency, any and all contamination from a release. The County shall be entitled to full contribution for all costs incurred by it as the result of any release of such materials by Grantee. Upon any release of a hazardous substance by Grantee, the County may give immediate notice of termination of this franchise, or enter the franchised premises and take whatever steps it deems appropriate to cure the consequences of any such release, all at the expense of the Grantee.

8. Relocation

A. If any county road or right-of-way is constructed, improved, relocated, realigned, or otherwise changed; including traffic controls, drainage, and illumination; or if any part of such road or right-of-way becomes a state highway and relocation or readjustment is directed by the State Director of Transportation so as to reasonably necessitate removal, relocation, and/or reconstruction of any facility of the Grantee on such road or right-of-way, upon notice of the County engineer or the State Director of Transportation, Grantee, in a timely manner, at its sole expense, shall remove, relocate, reconstruct, or otherwise adjust its facilities so as to conform to and permit such construction, improvement, relocation, realignment, or change by or on behalf of the County or State.

B. The County Engineer shall have the final approval of the removal or relocation schedule. Grantee shall be responsible for timely compliance with utility relocation and coordinate with the County or the County's contractor.

   In accordance with paragraph 10, Grantee shall hold harmless and indemnify the County against all claims, lawsuits, and/or damages caused in whole or in part by the utility relocation work, including but not limited to, problems, accommodations and delays, including non-negligent acts or omissions of the Grantee, its agency, or employees.

The construction, operations, maintenance, and repair of Grantee's lines and facilities authorized by this franchise shall not preclude _____ County, its agents, or its contractors from blasting, grading, excavating, or doing necessary road work contiguous to the said lines and facilities of the Grantee, provided that the Grantee shall be given forty-eight (48) hours notice of said blasting or other work.

9. Non-Exclusive/Other Occupants

A. This franchise is not exclusive. It shall not prohibit the County from granting other franchises or permits for use of any county roads or rights-of-ways or parts thereof. Subject to this franchise, Grantee shall not prevent or prohibit the County from constructing, altering, maintaining, or using any of said roads or rights-of-way, or affect its jurisdiction over them or any part of them, the County having full power to make all necessary changes, relocations, repairs, maintenance, etc., of the same as the County may deem fit.

B. All installation, operation, maintenance, and repair by the Grantee on any county road or right-of-way shall be done so as not to interfere with installation, construction, operation, maintenance, or repair of other utilities, drains, ditches, structures, or other improvements permitted upon such road or right-of-way. Owners, public or private, of any such facilities installed prior to construction and/or installation of lines and facilities of Grantee, shall have preference as to positioning and location of such facilities. Such preference shall continue if relocation is required as a result of any construction relocation, realignment, and/or change of grade by the County.

10. Insurance and Security

Prior to the effective date of this franchise and during its life, the franchisee shall obtain and maintain continuously liability insurance necessary to comply with the hold harmless agreement herein with limits of liability not less than:

$ _____ per occurrence

The County engineer may further determine that Business Auto Liability Insurance may also be required. Such insurance shall include _____ County, its officers, elected officials, agents, and employees as an additional insured and shall not be reduced or cancelled without thirty days written prior notice to the County. Such insurance, in its provision for additional insured, shall include a "Cross Liability Endorsement", "Severability of Interests", or "Separation of Insureds" provision indicating:

"The inclusion of more than one insured under this policy shall not affect the rights of any insured as respects any claim, suit, or judgment made or

brought by or for any other insured or by or for any employee of any other insured. The policy shall protect each insured in the same manner as though a separate policy had been issued to each except that nothing herein shall operate to increase the company's liability beyond the amount or amounts for which the insurer would have been liable had only one insured been named."

If the insurance is underwritten on a claims made basis, the retroactive date shall be prior to or coincident with the date of the franchise, and the insurance policy shall state that the coverage is claims made, and state the retroactive date. The franchise shall maintain coverage for the duration of the franchise and for the three years following the expiration of same. The franchisee shall provide the County annually a signed renewal binder or other document as evidence of such insurance. It is further agreed that either the franchisee or County may invoke the tail option on behalf of the other party and that the Extended Reporting Period premium shall be paid by the franchisee. Proof of all insurance shall be in a form acceptable to the County. All insurance documentation shall be submitted and reviewed by the _____ prior to final execution of the franchise.

The County may require any additional bond, insurance, deposit, or security as provided in (county code). Acceptance by the County of any work performed by the Grantee at the time of completion shall not be a ground for avoidance of this covenant.

11. <u>Hold Harmless and Indemnity</u>

The Grantee shall assume the risk of, and be liable for, and pay all damage, loss, cost, and expense of any party arising out of Grantee's use of the right-of-way, except that caused by negligence and/or willful misconduct solely of _____ County and its employees acting within the scope of their employment. The Grantee shall protect, hold harmless from, and indemnify _____ County, its appointed and elected officials, agents, and employees, against all claims, losses, suits, actions, costs, counsel fees, litigation costs, expenses, damages, judgments, or decrees by reason of damage to any property or business and/or any death, injury, or disability to or of any person or party arising out of or suffered, directly or indirectly, by reason of or in connection with the use by Grantee of the right-of-way, or any action, error, or omission of the Grantee, Grantee's employees, agents, or subcontractors, whether by negligence, including voluntary negligence, or otherwise in connection with the use of county right-of-way, except for those damages caused by the negligence or willful misconduct solely of the County, its appointed and elected officials, agents, or employees.

Provided that, for only those provisions of this franchise which a court of competent jurisdiction determines are subject to RCW 4.24.115, then, in the event of damages arising out of bodily injury to persons or damage to property

caused by or resulting from the concurrent negligence of the County, its appointed and elected officials, agents or employees, and the Grantee or the Grantee's agents or employees, the Grantee's liability to hold harmless and indemnify the County is enforceable only to the extent of the Grantee's negligence.

The Grantee's obligation shall include, but not be limited to, investigating, adjusting, and defending all claims alleging loss from any act, error, or omission or from any breach of any common law, statutory or other delegated duty of the Grantee or its employees, agents, or subcontractors.

In case suit or action is brought against the _____ County for damages arising out of or by reason of the above-mentioned causes, the Grantee will, upon notice to him of the commencement of said action, defend the same at its sole cost and expense, and in case judgment shall be rendered against the County in suit or action, the Grantee will fully satisfy said judgment within ninety (90) days after suit or action shall have finally been determined, if determined adversely to _____ County.

It is specifically and expressly understood that the hold harmless and indemnification provided in this franchise constitutes the Grantee's waiver of immunity under the State Industrial Insurance Law, Title 51 RCW, solely for the purpose of this hold harmless and indemnification and that this waiver has been mutually negotiated by the parties.

12. <u>Reservation of Police Power</u>

In granting this franchise, the County does not waive any of its police powers to regulate the use of County roads or rights-of-way in the interest of public health, safety, and general welfare.

13. <u>Applicable Laws</u>

Grantee shall comply with all federal, state, and local laws, rules, and regulations applicable to any work, facility, or operation of Grantee upon County roads or rights-of-way during the life of this franchise.

14. <u>Eminent Domain, Powers of the People</u>

This franchise is subject to the power of eminent domain and the right of the (Council/Commission) or the people acting for themselves through the initiative or referendum to repeal, amend, or modify the franchise in the interest of the public. In any proceeding under eminent domain, the franchise itself shall have no value.

15. Annexation

If any road or right-of-way covered by this franchise is incorporated into the limits of any city or town, this franchise shall terminate as to any road or right-of-way within the corporate limits of such city or town; but this franchise shall continue as to county roads and rights-of-ways not incorporated into a city or town.

16. Vacation

If the County vacates all or a portion of any county road or right-of-way which is subject to this franchise, and said vacation is for the purpose of acquiring the fee or other property interest in said road or right-of-way for the use of the County in either its proprietary or governmental capacity, the County (Council/Commission) may, at its option and by giving thirty (30) days written notice to the Grantee, terminate this franchise with reference to any county road or right-of-way so vacated, and the County shall not be liable for any damages or loss to the Grantee by reason of such termination.

Whenever a county road or right-of-way or any portion thereof is vacated upon a finding that it is not useful and the public will be benefited by the vacation, the County may retain an easement in respect to the vacated land for the construction, repair, and maintenance of public utilities and services which at the time of the vacation are specifically authorized under paragraph 3 or physically located on a portion of the land being vacated, but only in accordance with the provisions of RCW 36.87.140. It shall be the responsibility of the Grantee to request that the County (Council/Commission) specifically include a provision retaining an easement in respect to any proposed (Council/Commission) action on a particular vacation. The County shall not be liable for any damages or loss to the Grantee by reason of any such vacation.

17. Termination

A. If Grantee defaults on any term or condition of this franchise, the County (Council/Commission) may terminate this franchise as provided in (county code). Upon termination for any cause, all rights of the Grantee hereunder shall cease.

B. Upon compliance with (county code), the County (Council/ Commission), at its option, may terminate this franchise, as to those roads and rights-of-way upon which Grantee has not constructed or placed any facility within five (5) years of the effective date of this franchise.

C. In the event that the use of all or any part of the facility is discontinued for any reason, including, but not limited to, discontinuance, obsolescence, or abandonment of the facility, or the abandonment, termination, or expiration of this franchise, the Grantee is solely responsible for the removal and proper

disposal of the abandoned/surplus facilities. The Grantee is not entitled to abandon any facilities in place without the County's prior express agreement and written consent. The Grantee shall restore the county roads and rights-of-way from which such facilities have been removed to the same or equal conditions as before.

18. Assignment

All terms and conditions of this franchise are burdens upon the successors and assigns of Grantee, and all privileges as well as all obligations and liabilities of the Grantee inure to its successors and assigns equally as if they were specifically mentioned wherever the Grantee is mentioned. Neither this franchise nor any interest therein shall be sold, transferred, or assigned without the prior written consent of the County (Council/Commission).

19. Effective Date

This franchise shall be effective thirty (30) days after approval by the County (Council/Commission); PROVIDED that Grantee within such time, has signed a copy thereof and returned it to the County (Council/ Commission).

20. Severability

If any provision of this franchise or its application to any person or circumstance is held to be invalid, such decision shall not affect the validity of the remaining portions of this franchise or its application to other persons or circumstances.

21. Limitation of Liability

Administration of this franchise shall not be construed to create the basis for any liability on the part of the County, its appointed and elected officials, and employees for any injury or damage from the failure of the Grantee to comply with the provisions of this franchise; by reason of any plan, schedule, or specification review, inspection, notice and order, permission, or other approval or consent by the County; for any action or inaction thereof authorized or done in connection with the implementation or enforcement of this franchise by the County, or for the accuracy of plans submitted to the County.

22. Hazardous Conditions

Whenever the County Engineer determines that any conditions or operations caused by any activity covered by this franchise have become a hazard to life and limb, endanger property or public resources, or adversely affect the safety, use, or stability of a public way or drainage channel, the County Engineer shall notify the Grantee in writing of the property upon which the condition or operation is located, or other person or agent in control of said property, and direct them to repair or eliminate such condition or operation within the period specified therein so as to eliminate the hazard and be in conformance with the requirements of this franchise.

Should the County Engineer have reasonable cause to believe that the situation is so adverse as to preclude written notice, he/she may take the measures necessary to eliminate the hazardous situation, provided that he/she shall first make a reasonable effort to notify the Grantee before acting. In such instance, the Grantee responsible for the creation of this situation shall be responsible for the payment of any reasonable costs incurred.

If costs are incurred and the hazardous situation has been created in conjunction with or as a result of an operation for which a bond has been posted pursuant to this title or any other County authority, the County Engineer shall have the authority to forfeit the bond or other security to recover the costs incurred.

23. Notices

Notices provided for in this franchise shall be sent to the following addresses:

1) _____ County
_____
_____
_____

2) Grantee
_____
_____
_____

The Grantee shall promptly notify the County of any change in notice address.

24. Governing Law and Stipulation of Venue

The Grantee hereby agrees to be bound by the laws of the State of Washington and subjected to the jurisdiction of the State of Washington. The parties hereby stipulate that this franchise shall be governed by the laws of the State of Washington and that any lawsuit regarding this contract must be brought in _____ County, Washington, or in the case of a federal action, in the United States District Court for the _____ District of Washington at _____.

5.C. INTERLOCAL AGREEMENT FOR MODIFICATION OF COUNTY FACILITIES AT UTILITY EXPENSE

INTERLOCAL AGREEMENT FOR MODIFICATION OF COUNTY FACILITIES AT UTILITY EXPENSE
CONTRACT NO._____
Project No._____

This Agreement, made and entered into this _____ day of _____, 19__, by and between _____, hereinafter called the "Utility", and _____ County, a municipal corporation located in and existing under the laws of the State of Washington, hereinafter called the "County".

WHEREAS, the County has concluded that the improvements to _____, County Road Project (CRP) No. _____, are necessary in order to provide an acceptable level of road safety and traffic circulation; and

WHEREAS, the County is the lead agency for the construction of the _____ Project, hereinafter called the "Project"; and

WHEREAS, the Utility holds a franchise for occupancy on County road rights-of-way and the Utility is required as a condition of its franchise and/or state law to relocate its facilities at its own expense to accommodate County road improvements; and

WHEREAS, the Utility has requested that the County modify its original project design to avoid significant effort and cost in association with relocation of the Utility's facilities; and

WHEREAS, it is deemed to be in the best public interest for the County to include the necessary items of work, as requested by the Utility, in the County's construction contract proposed for the Project; and

WHEREAS, the Utility agrees to reimburse the County for all costs associated with the design modification of proposed County facilities for the benefit of the Utility as described herein.

NOW, THEREFORE, it is mutually agreed as follows:

I. PURPOSE AND DURATION

The purpose of this Agreement is to provide for the design modification and construction of County storm drain and other facilities at locations that minimize the amount of relocation of the Utility's facilities located within County rights-of-way and to set forth the terms and conditions of the County's engineering, inspection, and contract administration services on behalf of the Utility.

The duration of this Agreement shall be from the date of execution until the acceptance of the work and complete payment to the County by the Utility. It is anticipated that this Project will be completed by _____.

II. COUNTY RESPONSIBILITY

The County may undertake a public works construction project for _____. The County reserves the right to determine not to undertake the Project or to discontinue the Project at any time. If the County determines to undertake the Project, the County will be lead agency for the construction project and the County will bid and may award the contract(s) for the Project in accordance with federal, state, and county law.

If the contract is awarded, the County shall administer the contract and provide construction engineering and construction inspection for the Project, including that portion of the Project involving the modified County facilities.

The modified County facilities include work as described in Exhibit A, attached hereto and by this reference made a part of this Agreement.

The County shall provide the Utility with a summary of estimated design cost for the modification of the County's facility. This summary of estimated cost will serve as the actual cost for the design effort. In addition, the County shall keep a reasonably itemized and detailed work record covering the cost of construction related services performed on behalf of the Utility pursuant to this Agreement. Upon completion of the Project, the County shall determine the actual cost of constructing the design modification. The County shall bill the Utility in accordance with the cost reimbursement and payment provision of Section IV below.

III. UTILITY RESPONSIBILITY

The Utility shall be solely responsible for all costs of design, construction, inspection, and contract administration related to the modification of County facilities and shall reimburse the County in accordance with the terms of Section IV below.

The Utility shall review engineering plans and notify the County as to the accuracy and completeness of the Utility's facilities as shown. The Utility shall provide pothole work at those locations where more detailed information is needed for design and construction. The Utility shall inform the County regarding any of the Utility's facilities which remain to be relocated and the schedule of such relocation. The Utility shall be responsible for the relocation of its facilities and the associated costs.

The Utility shall comply with the terms of the franchise agreement between the Utility and the County, including, but not limited to, County design standards and specifications, and Chapter 136-40 WAC, Standard of Good Practice – Accommodation of Utilities on County Rights-of-Way.

The Utility shall make all reasonable efforts to cooperate with the Project Contractor in completing utility relocations as required and shall make necessary personnel available so as to not delay the Contractor's construction schedule.

IV. COST REIMBURSEMENT AND PAYMENT

The Utility agrees to set aside funds for payment to the County for the work in an amount not less than the estimated cost to modify the plans and specifications and for the cost of bid items for the County's modified facility

work and for an amount necessary to reimburse the County for design, construction inspection, construction engineering, and contract administration related to modification of County facilities. The Utility agrees to make payment within forty-five (45) days of billing by the County.

The Utility shall pay the County one hundred (100) percent of the final cost of all contract bid items related to the modification of County facilities.

The Utility shall additionally pay the County an amount equal to fifteen (15) percent of the final costs of total bid items associated with the construction of the modified facilities excluding state sales tax, to compensate the County for construction engineering, construction inspection, and contract administration costs related to the County's modified facility. The Utility shall also pay all costs for design as shown in Exhibit A including an amount equal to fifteen (15) percent of the total consultant design costs, to compensate the County for administrative overhead and for related costs incurred from the beginning of the Project.

Upon request of the County, partial payments shall be made by the Utility to cover the costs of work performed and/or material acquired. It is agreed that acceptance by the County of any partial payment shall not constitute agreement as to the sum due the County for any item. At the time of final audit, all required adjustments will be made and reflected in a final payment. In the event such final audit reveals an overpayment to the County, the County agrees to refund such overpayment to the Utility.

The Utility also agrees to pay the County _____ within _____ days after this Agreement is executed. This payment is called the "Advance Payment" and represents approximately fifteen (15) percent of the estimated total of the Utility's obligation for the Project. The advance payment is to cover costs incurred by the County in the initial stages of the Project and will be carried throughout the life of the Project, with final adjustment made in the final payment.

During the progress of the construction and for a period of not less than three years from the date of final payment to the County, the Utility shall keep the records and accounts pertaining to the construction of the Project and accounting thereof shall be kept available for inspection and audit by the State and copies of all records, accounts, documents, or other data pertaining to the Project will be furnished upon request. If any litigation, claim, or audit is commenced, the records and accounts along with supporting documentation shall be retained until all litigation, claim, or audit findings have been resolved even though such litigation, claim, or audit continues past the three-year retention period.

V. LEGAL RELATIONS

The Utility agrees to hold the County harmless and indemnify the County, its elected and appointed officials, agents, and employees from any and all costs, claims, demands, and obligations of whatsoever nature arising by reason of County participation in or action for the Utility in connection with the modification work, including, but not limited to, claims by the Contractor for additional compensation related in any way to the modification work. The Utility further agrees to defend, at its own expense, all suits or actions of whatsoever nature brought against the Utility or the

County incident to or arising from the modification work or the County's participation in or performance of the work under this Agreement. Provided that the County shall be liable for any and all costs, claims, demands, and obligations arising solely from its own negligent acts or omissions and provided further that, with respect to only those portions of this Agreement subject to RCW 4.24.115, if the claims for damages arise out of bodily injury to persons or damage to property and are caused by or result from the concurrent negligence of (1) the County and its elected or appointed officials, employees, or agents, and (2) the Utility and its officers, employees, or agents, the hold harmless and indemnity provisions of this Agreement shall be valid and enforceable only to the extent of the negligence of the Utility, its officers, employees, or agents.

It is specifically and expressly understood that the indemnification provided in this Agreement constitutes the Utility's waiver of immunity under the State Industrial Insurance law, Title 51 RCW, solely for the purpose of this indemnification and that this waiver has been mutually negotiated by the parties.

VI. TERMINATION

This Agreement may only be terminated by written agreement of the parties.

The County has the right to terminate this Agreement if the County determines not to undertake the Project or to discontinue the Project, in which case the Utility shall only be responsible for costs incurred by the County prior to the County's notice of termination and for documents supplied in accordance with Section VIII below.

Should the Utility choose to terminate this Agreement prior to award of the County contract for this Project, the Utility shall be responsible for all costs to redesign the project, utility relocation, and cost incurred due to delay of award and construction of the Project.

VII. EXTRA WORK

In the event unforeseen conditions require an increase in the cost of twenty-five (25) percent or more from the total actual bid prices of the County's modified facilities, the terms of this Agreement will be modified by a letter of understanding between the County's Director of Public Works or designee and the Utility's representative.

In the event there is any change that would result in an increased cost to the Utility of $5,000.00 (Five Thousand Dollars) or more, written approval must be secured from both the County and the Utility prior to the commencement of such work.

VIII. RETENTION OF PROJECT RECORDS

The County will retain and file the original Mylar plan sheet(s) and all other Project records.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

_____ COUNTY

By: _____

APPROVED/EXECUTION AUTHORIZED
By: _____

APPROVED AS TO FORM:

By: _____
Date: _____

Title: _____

Attest: _____

APPROVED AS TO FORM:

By: _____
Date: _____

EXHIBIT "A"

[project name]
Project No. _____

SUMMARY OF WORK:

ESTIMATED COSTS:

Note: The actual construction cost will be determined after the structures have been installed based upon the actual unit costs for the items constructed.

6.A. CRP RESOLUTION FOR INDIVIDUAL PROJECTS

Resolution Number_____

BEFORE the Board of County Commissioners of _____ County, Washington. In the matter of initiating a county road project designated as CRP NO._____,

IT IS HEREBY RESOLVED THAT the_____Road, State Road Log No._____, from Milepoint_____to Milepoint _____be improved as follows:

(Insert a brief description of the road or bridge improvement contemplated by this resolution)

This project is hereby declared to be a public necessity and the county road engineer is hereby ordered and authorized to report and proceed thereon as by law provided. *(RCW 36. 75.050, 36.80.030, 36.80. 070) (Optional References).*

IT IS FURTHER RESOLVED that an appropriation from the officially adopted road fund budget and based on the county engineer's estimate is hereby made in the amounts and for the purposes shown:

PURPOSE	AMOUNT OF APPROPRIATION
Engineering	_____
Right of Way Acquisition	_____
TOTAL (Not subject to 36.77.065)	_____
Construction	_____
TOTAL	_____

(Check Appropriate Box)

☐ This project is included in the officially adopted annual road program as Item No._____.

☐ The project is hereby made a part of the officially adopted annual road program in accordance with RCW 36.81.130.

IT IS FURTHER RESOLVED that: *(Check appropriate box)*

☐ The construction is to be accomplished by contract in accordance with RCW 36.77.020 et. seq.

☐ The construction is to be accomplished by county forces in accordance with RCW 36.77.065 and WAC 136-18.

ADOPTED this_____ day of_____ , _____.

Board of County Commissioners of

ATTEST:_____ _____ County, Washington

_____

_____

_____

NOTE: This form is intended for use in connection with WAC 136-18-030 and makes provision for all pertinent information. It is designed for a situation where the Board County Commissioners desires to initiate road projects one at a time. For those desiring multiple initiation it is suggested that a form similar to CRAB 111 be used.

If a project is a mixture of both contracted and county force ("day labor") the resolution must include both the contract and county forces portions of the engineer's construction estimate.

For projects that will require a significant amount of preparatory engineering it is suggested that this form be used first to make only the appropriation for engineering. After the engineering has been completed and an accurate estimate is available for construction and, if applicable, for right of way acquisition, it may then be used a second time (same CRP No.) to appropriate funds for right of way acquisition and construction.

Recommended for use in connection with WAC 136-18-030.

CRAB Form 110

6.B. CRP RESOLUTION FOR MULTIPLE PROJECTS

Resolution Number _____

Before the Board of County Commissioners of _____ County, Washington

In the matter of initiating county road projects and assigning CRP numbers.

IT IS HEREBY RESOLVED THAT the roads listed below be improved as shown between the points indicated.
These projects are hereby declared to be public necessity and the county road engineer is hereby ordered and authorized to report and proceed thereon as by law provided. (RCW 36.75.050, 36.80.030, 36.80.070) (Optional References).

IT IS FURTHER RESOLVED THAT appropriations from the officially adopted road fund budget and based on the county engineer's estimates are hereby made in the amounts and for the purposes shown:

1	2	3		4	5	6	7			8	9
ROAD NAME AND/OR BRIDGE NUMBER	ROAD LOG NO.	M.P. TO M.P.		TYPE OF WORK (See Code)	CONTRACT	DAY LABOR	COST ESTIMATE (THOUSANDS) Engin. & R.O.W.	CONSTRUCTION GRANT	CONSTRUCTION LOCAL	Annual Const. Prog. Item No.	CRP No.

(4) TYPE OF WORK CODE
- A. Preliminary Engineering
- B. Right-of-way
- C. Grading, Draining, Surfacing
- D. Light Bit. Surf. Treatment
- E. A.C. or P.C.C. Pavement
- F. Curbs & Gutters
- G. Sidewalks
- H. Traffic Facilities
- I. Bridge Construction
- J. PATHS & TRAILS (RCW 47.30)

(5) The construction is to be accomplished by contract in accordance with RCW 36.77.020 et. seq.

(6) The construction is to be accomplished by county forces in accordance with RCW 36.77.060 and WAC 136-18.

ADOPTED this _____ day of _____, _____.

ATTEST _____

Board of County Commissioners of
_____ County, Washington
_____
_____

Recommended for use in connection with WAC 136-18-030, for multiple project initiation.

NOTE: *This form is intended for use in connection with WAC 136-18-030 and makes provision for all pertinent information. It is designed for a situation where the Board of County Commissioners desires to initiate several road projects at one time. For those desiring individual initiation it is suggested that a Form similar to CRAB 110 be used.*

For projects that will require a significant amount of preparatory engineering it is suggested that this form be used first to make only the appropriation for engineering. After the engineering has been completed and an accurate estimate is available for construction and, if applicable, for right-of-way acquisition, it may then be used a second time (same CRP No.) to appropriate funds for right of way acquisition and construction.

CRAB Form 111

6.C. RESOLUTION TO DESIGNATE PRIMITIVE ROADS

RESOLUTION TO DESIGNATE PRIMITIVE ROADS

WHEREAS, RCW 36.75.300 has authorized a new classification of county roads to be designated as Primitive Roads, and

WHEREAS; said statute provides that Primitive Road classification may be applied by the county legislative authority only to roads, or portions of roads, which.

1) are not classified as part of the county primary road system
2) have a gravel or earth driving surface
3) have an average annual daily traffic of one hundred or fewer vehicles, and

WHEREAS; the county engineer has recommended that certain roads, or portions of roads, meeting these criteria, be designated as Primitive Roads, and

WHEREAS; this legislative authority desires to implement the designation of Primitive Roads in accordance with the criteria established by law,

NOW THEREFORE BE IT RESOLVED THAT:

1) this legislative authority finds that the roads, or portions of roads, listed below meet the statutory criteria for Primitive Roads, and are hereby designated as such:

ROAD NAME	APPROXIMATE LOCATION (sec./twp./range)	STATE ROAD LOG NUMBER	MILEPOINT Begin	MILEPOINT End

2) the county engineer is hereby directed to mark these roads as primitive roads in the manner specified in the statute.

ADOPTED this_____ day of_____, _____.

ATTEST

_____

The Legislative Authority
_____ County, Washington

_____

_____

_____

CRAB Form 112

6.D. RESOLUTION TO DESIGNATE COUNTY ROAD MAINTENANCE CLASSIFICATION

Resolution to Designate
County Road Maintenance Classification

WHEREAS, inadequacy of funding makes it impossible to continue to maintain all county road at uniform levels of maintenance; and

WHEREAS, in the interest of public safety and the economical and efficient administration of the county road department, it is desirable that available maintenance funds be allocated among the various county roads according to a rational prioritization system based upon the need for maintenance and the average daily traffic; and

WHEREAS, the classification of county roads according to the level of maintenance performed upon them will aid the road department in serving the public by permitting the establishment of systematic and prioritized maintenance management schedules:

NOW, THEREFORE, IT IS HEREBY RESOLVED by this Legislative Authority that:

(1) All of the roads in the county system have been initially classified by the county road engineer in one of the following maintenance classifications, based upon the need for maintenance and the average daily traffic.

Class 1. Year around maintenance
Class 2. Spring and Fall maintenance
Class 3. No maintenance, except as needed to permit use by vehicles traveling at slow speeds.

(2) The County Road Engineer's maintenance classifications have been reviewed and are hereby approved as shown in the table below (or attached):

ROAD NAME	APPROXIMATE LOCATION (Sect./Twp./Range)	STATE ROAD LOG NUMBER	MILEPOINT	
			Begin	End
The following listed roads are placed in Maintenance Class 2 for spring and fall maintenance only: The following listed roads are placed in Maintenance Class 3 for no maintenance except as needed to permit use by vehicles traveling at slow speeds: All other county roads are placed in Maintenance Class 1 for normal year around maintenance.				

(3) The maintenance classification of each county road shall be recorded and maintained by the county road engineer.

(4) A change in the maintenance classification of a county road may be made by the County Legislative Authority based upon a finding by the county engineer that changes by resolution maintenance needs, or average daily traffic, justify the maintenance reclassification of the road.

ADOPTED this _____ day of _____ .

The Legislative Authority
_____County, Washington

ATTEST_____ _____

_____ _____

_____

CRAB Form 113

6.E. RESOLUTION TO DESIGNATE HAUL ROUTES

_____ COUNTY

HAUL ROUTE AGREEMENT NO. _____

THIS AGREEMENT, made and entered into this _____ day of_____, 20__, by and between _____ County, hereinafter designated as the "County", and _____ hereinafter designated as the "Contractor",

WHEREAS, the Contractor plans to use county roads in transporting any item, including but not limited to products, equipment, materials, and/or supplies over the county roads listed in a Road Use Plan attached as Exhibit __; and

WHEREAS, the County is responsible for constructing, altering, improving, and maintaining county roads under the supervision and direction of the Public Works Director and/or the County Engineer; and

WHEREAS, the County may limit or prohibit classes, types of weights or vehicles which travel on County roads pursuant to RCW 36.75.270 and 46.44.080; and

WHEREAS, the County and the Contractor anticipate that as a result of the Contractor's use of County roads, accelerated deterioration may occur. Thus, repairs or improvements may be required and additional maintenance expenses may be incurred by the County; and

WHEREAS, the County is authorized to issue Haul Route Permits under the provisions of RCW 36.75.270 and 46.44.080.

NOW, THEREFORE, in consideration of the terms, conditions, and covenants contained herein, it is mutually agreed as follows:

1. PURPOSE STATEMENT:

This Haul Route Agreement shall be completed for existing, new, and expanded hauling operations that may cause accelerated deterioration of county roads. These hauling operations shall include but not be limited to: pits and quarries, logging, contractors, and developers.

2. DEFINITIONS:

   A. Routine Maintenance. "Routine Maintenance" means grading, reshaping, repair and/or modification of the road prism which would occur in the absence of the use of a road as a haul route, as indicated in a regular maintenance schedule, or at the same intervals or frequency as would normally be included in such a schedule.

B. Additional Maintenance. "Additional Maintenance" means grading, reshaping, repair, and/or modification performed on County roads in excess of the same operations performed as routine maintenance by the County.

C. Extraordinary. "Extraordinary" means beyond what is common or usual, or used for a special service.

D. Arbitrator. "Arbitrator" means an independent civil engineer, registered in the state of Washington, who is experienced in road design, construction, and maintenance.

E. Bond. "Bond" means a certificate, cash, or written obligation, in a form satisfactory to the County, made by the Contractor to guarantee the performance of its contractual obligations to the County.

F. Contractor. "Contractor" means the person/corporation entering into this Agreement, and shall include any owner or designee, operator, manufacturer, developer, or supplier that uses County roads for the transport of any item including, but not limited to, products, equipment, materials, and/or supplies where such use may cause accelerated deterioration of such County roads.

G. County Road. "County Road" means a street, road, or other public way, including shoulders, designated for the purpose of vehicular traffic and under the jurisdiction of the County.

H. Director. "Director" means the County's Director of Public Works and/or the County Engineer, or his/her authorized designee.

I. Haul Road. "Haul Road" means any County road, bridge, or other structure which is used for transporting items including, but not limited to products, equipment, materials, and/or supplies and as a result incurs deterioration.

J. Haul Route. "Haul Route" means the system of haul roads between a source site and the destination and/or the source site and the nearest major intersection as determined by the County.

K. Improvements. "Improvements" mean roadway prism improvements required by the Director because of the Contractor's use of the haul road.

L. Right of Way. A general term denoting public land, property, or interest therein, usually in a strip acquired for or devoted to transportation purposes.

M. Road Prism. "Road Prism" means the driving surface of a road (including constructed roadbed), shoulders, ditches including backslopes, fillslopes, curbs, gutters, storm drainage facilities and sidewalks including backslopes.

3. GENERAL AGREEMENT AS TO ROAD USE:

The Contractor understands and agrees that, although the haul roads covered by this Agreement are on the County Road System and are subject to normal traffic use the Contractor, by virtue of its extraordinary use of the roads, assumes responsibility for all damage and additional maintenance and signing costs on such roads resulting from its use of such roads as a haul route. Such costs are to be reimbursed by the Contractor as outlined in Section 7.

The County hereby agrees to the Contractor's use of the haul roads covered by this Agreement subject to the conditions contained herein. The Contractor shall be responsible for obtaining any other permits or licenses which the County or any other governmental entity may require to operate or move its vehicles on county roads. This Agreement shall not serve to relieve any operator of a Contractor's vehicle from complying with applicable speed limits, weight restrictions, or other posted restrictions.

Any improvements to or widening of the road necessitated by the Contractor's operations, including modification of roadway approaches to accommodate transport vehicles, shall be considered incidental to the hauling performed, shall be made a the Contactor's sole expense unless otherwise authorized in addendum to this Agreement, and shall remain in place or be removed at the Director's choice. Any such improvement shall be authorized by County permit.

4. ASSUMPTION OF RISK AND LIABILITY OF CONTRACTOR:

The County has not made and does not herein make any representation as to the present or future conditions of its roads or the character of the traffic on any of its roads, and the Contractor assumes all risks of damage to property of or injury to, Contactor or anyone acting under the authority granted to the Contractor by this Agreement.

The Contractor agrees and covenants to indemnify, defend, and save harmless the County against and from any loss, damage, costs, charges, liability, claims, demands, or judgments, whether to persons or property, arising out of any act, action, neglect, omission, or default on the part of the Contractor or anyone acting under the Contractor's authority granted by this Agreement.

In case any suit or cause of action shall be brought against the County on account of any act, action, neglect, omission, or default on the part of the Contractor or anyone acting under the Contractor's authority granted by this Agreement, the Contractor agrees and covenants to pay all costs, charges, attorney fees, and other expenses and

any and all judgments that may be incurred by or obtained against the County, including all such costs incurred by the County to enforce this provision.

The Contractor shall have Public Liability and Property Damage Insurance.

5. ROAD USE PLAN:

The Contractor and the County have agreed to the Road Use Plan, which is attached hereto and incorporated herein as Exhibit __. The Road Use Plan designates which County roads are to be used in this Haul Route Agreement. In addition, the Road Use Plan contains the following information:

A. Vehicle trips per day of travel;
B. Hours and dates of travel;
C. Gross weight loadings;
D. Vehicle types, trailers, and combinations, number of axles, distance between axles, and tire sizes; and
E. Products, equipment, materials and/or supplies to be transported and estimated quantities of same.

Any variance from the approved Road Use Plan requires (1) an advance written request to the Director by the Contractor, and (2) if the Director agrees to such use, this Agreement shall be amended to include such additional roads. Roads so added are subject to all Sections of this agreement and may be subject to the additional provision. The County will require a new application annually at the start of the Contractor's hauling operations.

If the Director desires to change conditions, he/she may do so at his/her discretion by sending written notice to the Contractor at least three (3) days before the effective date of the change. The County shall not be responsible for additional costs incurred by the Contractor resulting from changes to this agreement.

6. INSPECTION AND DOCUMENTATION:

Prior to the signing of this Agreement and prior to the start of Contractor's hauling operations on County Roads covered by this Agreement, representatives of the County and the Contractor shall make a joint pre-inspection to determine the existing condition of the road prism of such roads. The County will complete a pre-inspection report indicating the condition of such road prism and attach and incorporate such report herein as Exhibit __. The pre-inspection report will include a statement of the extent and frequency of routine maintenance on such road prism and may include photographs, video logs, or other recording devices showing the condition of the existing road prism.

Deficiencies of the road prism noted in the pre-inspection report shall show an estimated cost to repair. The Contractor shall not be responsible for these costs.

The haul route will be inspected twice each year, before and after the Summer/Fall haul period. The haul route shall also be inspected within 15 days of the County's receipt of the Contractor's certified mail notice (pursuant to Section 12D) that it has permanently ceased hauling operations. Any additional inspections shall be at the Contractor's expense. After such reinspection the County shall complete and give to the Contractor a report of (1) the condition of the road prism(s) used by the Contractor for hauling and (2) the costs of additional maintenance and additional signing, if any, performed by the County as a result of the Contractor's operations since the previous inspection. All subsequent inspections shall be documented and attached as exhibits to this agreement and used for determining the Contractor's reimbursement obligation under Section 7.

Upon written notification of completion of the hauling operation, a joint post-inspection will be conducted, documented, and attached hereto and incorporated herein as Exhibit __.

7. CONTRACTOR REIMBURSEMENT OF COUNTY EXPENSES:

The County will defray the expense of routine maintenance of haul roads designated in this Agreement and will maintain separate records of all items, accounts, and expenditures on said roads.

During the period for which this Agreement is in effect, the Contractor agrees to reimburse the County for all costs of (1) additional maintenance and (2) additional signing necessitated by the Contractor's use of County roads.

Reimbursement for such additional maintenance and additional signing shall be limited to the actual cost to the County of labor (including fringe benefits), equipment, and materials, plus fifteen percent (15%) for administration. The Contractor shall make payment to the County upon recipt of detailed invoices supported by written documentation equivalent to that normally supplied by the County. The Contractor shall pay the invoiced amount to the County within 30 days from the invoice date.

In the case of hauling on a County road by two or more contractors, invoices shall be prorated by the County. This proration may be based upon, but need not be limited to, the weight, frequency, vehicle configuration, and/or duration of the hauling operations. In such cases, all Contractors will be invited to attend a joint pre-inspection and any subsequent reinspections that may occur.

The Director may require a bond, if it is concluded that there may be damage done to the road prism or any county facilities thereon.

8. DISPUTES:

In the event a dispute over the Contractor's reimbursement obligations under this Agreement cannot be resolved between the parties to this Agreement, the dispute shall be submitted to an Arbitrator for resolution and determination. The Contractor shall, however, pay all total invoice amounts when payment is due under this Agreement. Any disputed sums shall be held in escrow until the arbitration is completed.

The Arbitrator shall be selected by agreement of both parties. If the parties cannot agree on an arbitrator, he/she shall be appointed by the Board of County Commissioners. The findings of the Arbitrator shall be final and conclusive as to the parties. Arbitration shall be completed within sixty (60) days of the selection of the arbitrator. The costs of arbitration shall be apportioned by the arbitrator according to the principle that the losing party should pay the winning party's cost.

9. RESTRICTIONS:

The Director has the authority to immediately restrict, during the life of this agreement, the weight or speed of the vehicles on the roadway below the legal limits applicable to such roads and vehicles for the following reasons, included but not limited to:

A. Temporary road closures;
B. Temporary weight restrictions caused by weather conditions;
C. Weight restrictions posted on County bridges; and/or
D. Where continued unrestricted use of road under this Agreement will endanger public health, safety or welfare thereon.

10. GENERAL TERMS:

Once this Agreement has been executed and is on file with the County, the County will issue a haul route permit to the Contractor. A copy of the permit shall accompany each vehicle of the Contractor using any County haul road, and shall be shown upon demand to representatives of the County or any law enforcement officer.

11. COMPLIANCE WITH LAWS AND REGULATIONS:

The Contractor shall comply with all Federal, State, and local laws and regulations.

12. REVOCATION AND TERMINATION:

This Agreement may be terminated by the Director and the haul route permit revoked when any of the following occurs:

A. Violation by the Contractor of any of the terms of this Agreement.

B. Untimely Contractor payment of any County invoice.
C. Where continued use by the Contractor of County roads under this agreement will endanger public health, safety or welfare.
D. The Contractor notifies the Director by certified mail that he/she has permanently ceased hauling operations at which time a post-inspection will be conducted and an invoice issued for final payment.

Upon termination of this Agreement, for any reason, the Contractor shall immediately discontinue hauling operations covered by this Agreement.

The termination of this Agreement shall not prejudice the County's right to collect damages incurred theretofore or thereafter accruing, on account of Contractor's use of the road.

If, after revocation of this agreement, the Contractor wishes to resume operation, the Contactor shall request to enter into a new agreement.

13. SEVERABILITY:

If any portion of this Agreement is held invalid it shall have no effect upon the validity of the remaining portions of this Agreement.

14. SCOPE AND CONSTRUCTION OF TERMS:

The definitions in this Agreement shall control the meaning of terms used herein. Where no definition is expressly stated herein, a term shall have that meaning clearly indicated by, or reasonably implied from, the context in which such term is used.

15. NOTIFICATION:

All notices and oral or written communications relating to this agreement may be forwarded to:

On behalf of the County:	On behalf of the Contractor:
_____	_____
Title: _____	Title: _____
Phone: _____	Phone: _____

IN WITNESS WHEREOF, the parties hereto execute this Agreement as of this ____ day of____, 20__, this Agreement shall remain in effect until revoked or terminated as provided under Section 13.

COUNTY OF_____

Signature: _____

Name: _____
County Engineer

By: _____
_____

CONTRACTOR

Signature: _____

Name: _____

Title: _____

Address: _____

Phone: _____

ACKNOWLEDGEMENT

STATE OF WASHINGTON)
)SS (Individual Acknowledgment Form)
COUNTY OF_____)

This is to certify that on this ____ day of _____ 20__, before me, the undersigned, a notary public, personally appeared_____, to me known to be the person(s) who executed the foregoing instrument, and acknowledged to me that ____ signed the same as ____ free and voluntary act and deed; that he/she/they have the authority to sign this document as he/she/they have indicated, and for the uses and purposes therein mentioned.

Given under my hand and official seal this ____ day of ____, 20__.

_____
Notary Public in and for the State of
Washington residing at _____

ACKNOWLEDGEMENT

STATE OF WASHINGTON)
)SS (Corporation Acknowledgment Form)
COUNTY OF_____)

This is to certify that on this ____ day of _____ 20__, before me, the undersigned, a notary public, personally appeared_____, and _____, of the corporation that executed the foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that _____ authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

Given under my hand and official seal this _____ day of _____, 20__.

_____
Notary Public in and for the State of
Washington residing at _____

_____ COUNTY
DEPARTMENT OF PUBLIC WORKS

APPLICATION FOR A HAUL ROAD PERMIT & JOINT SITE INSPECTION FORM
Pursuant to Ordinance No.____

Name of Applicant: _____
Mailing Address: _____
_____
Business Phone: _____

County Roads to be Utilized as Haul Route

Road Name & Number	Surface Type	Miles
_____	_____	M.P.___ to M.P.___
_____	_____	M.P.___ to M.P.___
_____	_____	M.P.___ to M.P.___
_____	_____	M.P.___ to M.P.___

Estimated Quantities to be Transported – cy/tons/Mbf

Quantity_____	Vehicle Type_____	Trips/Day_____
Quantity_____	Vehicle Type_____	Trips/Day_____
Quantity_____	Vehicle Type_____	Trips/Day_____
Quantity_____	Vehicle Type_____	Trips/Day_____

Haul Period: From: _____ To: _____

Date of Site Inspection: _____

Initial: ___ Final: ___ Public Works Title: _____
Inspection: ___ Inspection:___ Permittee Title: _____

$_____ Surety as computed by the attached formula shall remain in effect throughout the life of the Haul Route Agreement.

_____ _____
Department of Public Works Permittee

Original to Department of Public Works – Copy to Permittee

BOND FORMULA

PRELIMINARY FORMULAS FOR ESTIMATING ADDITIONAL MAINTENANCE FOR HAULING OPERATIONS ON COUNTY ROADS.

TYPES OF SECURITY_____ COUNTY WILL ACCEPT:

Cash deposit with _____ County
A Certified Bond from a Bonding Company
Cashier's Certified Check Payable to _____ County

Formula for Surety = _____ Loads X _____ Miles X Surface Type Repair Factor

GRAVEL ROADS _____ Loads X_____ Miles X $_____/Miles = _____

BST ROADS _____ Loads X_____ Miles X $_____/Miles = _____

ACP _____ Loads X_____ Miles X $_____/Miles = _____

TOTAL _____

NO SECURITY IS REQUIRED FOR 10 LOADS OR LESS FOR ONE SEASON COUNTY WIDE

The Minimum Bond will be $500

Computed additional maintenance costs due to the hauling operation is in addition to normal maintenance costs. Normal annual road maintenance costs for private vehicles, light truck usage is approximately $_____ a mile.

EXHIBIT ____
PRELIMINARY INSPECTION REPORT

DATE: _____ TIME: _____

INSPECTION TEAM (NAME & AGENCY REPRESENTING): _____
_____
_____

BEGINNING POINT _____ ENDING POINT _____

ROAD	MILEPOST	DISTRESS	PHOTOGRAPH

ROAD	MILEPOST	DISTRESS	PHOTOGRAPH

DESCRIPTION AND FREQUENCY OF ROUTINE MAINTENANCE:

_____
_____
_____
_____
_____
_____

ACKNOWLEDGEMENT

SIGNATURE: _____ TITLE: _____
FIRM: _____

SIGNATURE: _____ TITLE: _____
FIRM: _____

SIGNATURE: _____ TITLE: _____
_____COUNTY

ESTIMATED COST OF REPAIR

PROJECT: _____ DATE: _____
LOCATION: _____

ITEM	LABOR	RATE	HOURS	AMOUNT

LABOR SUB-TOTAL _____

ITEM	EQUIPMENT	RATE	HOURS	AMOUNT

EQUIPMENT SUB-TOTAL _____

ITEM	MATERAL	UNIT	COST	QUANTITY	AMOUNT

MATERIAL SUB-TOTAL _____

TOTAL COST _____

SIGNED: _____

TITLE: _____

HAUL ROUTE AGREEMENT PROCEDURAL OUTLINE

I. Notification of hauling activities – usually by Conditional Use Permit
   - A. Estimate quantity of material to be hauled.
   - B. Estimate number of trips.
   - C. Type of trucks to be used.
   - D. Projected term of hauling activity.

II. Meet with applicant
   - A. Applicant identified proposed route.
   - B. Review of proposed route by agency.
     - 1. Safety elements – maintain public health, safety and welfare.
       - a. School zones
       - b. Residential areas
       - a. Parks and public facilities
     - 1. Approve or alter requested route.
   - C. Pre-inspection of haul route
     - 1. Inventory roads
       - a. Walk through (if necessary) – video entire route
       - b. Photograph questionable areas and milepost them
       - b. Describe and document physical condition of roadway
       - c. Establish and set speed limit if required
       - d. Document maintenance history
     - 2. Summary of inventory
       - a. Description of existing condition
       - b. Anticipated normal maintenance requirements for term of Haul Route Agreement
       - c. Explanation of what will be considered additional maintenance
       - d. Concurrence of summary by applicant

III. Enter Haul Road Agreement with _____ County

IV. Inspections during hauling activities, if required, with applicant

V. Post inspection of haul route
   - A. Repeat applicable sections of pre-inspection inventory of roads.
   - B. Develop cost estimate of additional maintenance.
   - C. Submit to applicant.
   - D. Negotiate settlement.

VI. Terminate Haul Route Agreement

HAUL ROUTE AGEEMENT PROCEDURES

I. Notification of hauling activities – (Example: Conditional Use Permit/SEPA)

   A. Estimate quantity of material to be hauled.
   B. Estimate number of trips.
   C. Type of trucks to be used.
   D. Projected term of hauling activity.

II. Meeting with applicant and County

   A. Applicant identifies proposed route.
   B. Review of proposed route by agency.
   C. Pre-inspection of haul route.

III. Enter into Haul Road Agreement with _____ County.
   Issue Haul Route Permit.

IV. Inspections during hauling activities, if required with Contractor.
   Contractor notifies County of ceasing hauling operation.

V. Agreement Termination Process

   A. Conduct post-inspection inventory of roads.
   B. Develop cost estimate of additional maintenance.
   C. Submit to Contractor.
   D. Negotiate settlement.
   E. Terminate Haul Route Agreement.

6.F. ORDINANCE REGARDING THE USE OF COMPRESSION BRAKES

Chapter xx.xx
COMPRESSION BRAKES

xx.xx.010 Definitions

xx.xx.020 Engine compression brakes declared nuisance when.

xx.xx.030 Engine compression brakes prohibited

xx.xx.040 County Nonliability

xx.xx.050 Violation – Penalty

xx.xx.010 Definitions.

For the purposes of this chapter, the following words and phrases shall be defined as follows:

A. "Brake" means any device used for slowing, halting, or stopping the movement of any vehicle.

B. "Engine compression brake" means any motor vehicle brake that is operated by the compression of the engine of the motor vehicle or any unit or part thereof. An engine compression brake is also referred to as a "jake brake".

C. "Motor vehicle" means and includes automobiles, tractors, trucks, trailers, and transportation equipment of all kinds and sizes, or any combinations of the foregoing.

D. "Muffled" means fitted with a device that absorbs noise and, therefore, reduces the sound made by the engine compression brake.

xx.xx.020 Engine compression brakes declared nuisance when.

The use within the unincorporated areas of the county of engine compression brakes disturbs and disrupts the public peace and quiet and disturbs the residents of the county in their rest and in the enjoyment of their property and by reason thereof the county [commissioners/council] find[s] that the use of such brakes within the unincorporated areas of the county is a public nuisance unless such brakes are muffled.

xx.xx.030 Engine compression brakes prohibited.

A. No person shall use engine compression brakes within the unincorporated areas of the county unless the brakes are muffled. It shall be an affirmative defense to

prosecution under this section that said compression brakes were applied in an emergency and were necessary for the protection of persons or property.

B. This chapter shall not apply to fire engines, ambulances, aid trucks, police vehicles, and other emergency vehicles.

C. The county engineer is authorized and directed to post appropriate signs consistent with the provisions of this section.

xx.xx.040 County Nonliability

A. It is expressly the purpose of this chapter to provide for and promote the health, safety, and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

B. It is the specific intent of this chapter that no provision or term used in this chapter is intended to impose any duty whatsoever upon the county, or any of its officers or employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

C. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the county, or its officers, employees, or agents, for any injury or damage resulting from the failure to comply with the provisions of this chapter, or by reason or consequence of any inspection, notice, order, certificate, permission, or approval authorized or issued or done in connection with the implementation or enforcement of this chapter, or by reason of any action or inaction on the part of the county related in any manner to the enforcement of this chapter by its officers, employees, or agents.

xx.xx.050 Violation – Penalty

Any person who violates any of the provisions of this chapter and any person, firm, or corporation who allows or permits any motor vehicle owned and/or operated by it in violation of any of the provisions of this chapter is guilty of a misdemeanor and upon conviction of any violation hereof shall be punished according to the provisions of _____.

7.A. PUBLIC WORKS EMERGENCY RESPONSE MUTUAL AID AGREEMENT

7.A.1. Cover Letter

July 29, 1997
(updated July 31, 2000)

Public Works Directors/Engineers
of All Cities and Counties

Public Works Emergency Response Mutual Aid Agreement

Enclosed for your agency's consideration and adoption is a copy of the Public Works Emergency Response Mutual Aid Agreement. The purpose of the Agreement is to permit signatory agencies to make the most efficient use of their powers by enabling them to coordinate resources and to maximize funding reimbursement during disasters/emergencies. This document is in two parts: (1) the Agreement (to be officially adopted by your agency) and (2) the Reference Guide (not to be adopted but has suggested procedures for implementing the Agreement).

The need for an advanced coordination effort was brought to the forefront with the Northridge Earthquake disaster in California and the prediction of a major earthquake in Washington. A task force was convened to develop an expeditious way to best accomplish an advanced coordination effort. The task force included representatives from AWC, CRAB, cities, counties and WSDOT (see attached).

This agreement was created to enable agencies to assist other agencies on an as needed basis when they are faced with a disaster/emergency. When a disaster/emergency occurs public works agencies have the responsibility to maintain service and recover in the most expedient way. This can best be accomplished by preparation, coordination and cooperation with other public works agencies. Agencies are charged with coordinating their efforts, compiling damage and recovery information and reporting to the appropriate authority. Then the State requests aid and assistance from the federal government. This Agreement provides a mechanism for immediate response provided the responding agency has the resources and expertise necessary.

This Agreement provides for the development of the documentation necessary to seek the maximum reimbursement possible from the appropriate Federal Agencies. For instance, during the Mt. St. Helen's eruption, the City of Yakima requested resource assistance from King County. Because there was not an agreement in place prior to the disaster, the Federal Emergency Management Agency (FEMA) could only reimburse the City of Yakima for King County resources at the city's rates. The City of Yakima's rates were approximately 42% lower than King County's. This resulted in the City of Yakima paying the difference. However, if both

agencies had been signatory to this agreement, then FEMA would have reimbursed the City of Yakima for King County resources at King County's rates.

The listing of agencies signatory to this mutual aid agreement will be maintained by WSDOT, Highways & Local Programs. Additions and deletions will be provided in hard copy to signatory members. Highways & Local Programs will also provide access to the list of signatory agencies, the Agreement and the supporting Reference Guide on the Internet.

The draft was submitted to local agencies for review and the final Agreement has the concurrence of CRAB and AWC. Also, it has been reviewed and is supported by the Washington Counties Risk Pool and the Association of Washington Cities Risk Management Service Agency, is approved as to form by the Washington State Office of the Attorney General and has the support of the state's Department of Emergency Management.

Please forward an original or certified copy of the agreement to Stephanie Tax, Highways & Local Programs, PO Box 47390, Olympia, WA 98504-7390, so your agency may be added to the list. If you have any questions, contact Stephanie at (360)705-7389.

Sincerely,

/S/

Assistant Secretary
Highways & Local Programs Service Center

Concurrence to have this Public Works Emergency Response Mutual Aid Agreement enacted by local agencies.

_____/S/_____
_____/S/_____

Executive Director
Association of Washington Cities

Executive Director
County Road Administration Board

7.A.2. Mutual Aid Agreement

PUBLIC WORKS
EMERGENCY RESPONSE MUTUAL AID AGREEMENT
FOR
SIGNATORY AGENCIES IN THE STATE OF WASHINGTON

INTRODUCTION

The purpose of the Public Works Emergency Response Mutual Aid Agreement is to permit signatory agencies to make the most efficient use of their powers by enabling them to coordinate resources and to maximize funding reimbursement during disasters/emergencies.

This Agreement will allow signatory agencies to support each other during disasters/emergencies to protect life and property, when the event is beyond the capabilities of the affected entity. This Agreement provides the mechanism for an immediate response to the Requesting Agency provided the Responding Agency has the resources and expertise necessary and available.

When faced with a disaster or emergency, public works agencies have a responsibility to maintain service and recover in the most expedient way. This can best be accomplished by preparation, coordination and cooperation with other public works agencies. Agencies are charged with the responsibility of coordinating efforts and compiling damage and recovery information on disasters and then reporting to the appropriate authority. Then the State requests aid and assistance from the federal government.

The following definitions for disaster and emergency are from the State Comprehensive Disaster Plan and were used in this Public Works Emergency Response Mutual Aid Agreement:

> Disaster - An event expected or unexpected, in which a community's available, pertinent resources are expended; or the need for resources exceeds availability; and in which a community undergoes severe danger; incurring losses so that the social or economic structure of the community is disrupted; and the fulfillment of some or all of the community's essential functions are prevented.
>
> Emergency - An event, expected or unexpected, involving shortages of time and resources; that places life, property or the environment, in danger; that requires response beyond routine incident response resources.

The reference guide is designed to be useful to individual agencies during a proclaimed emergency -- whether it be to borrow a piece of equipment for a specific job or request crews to assist in repair of a major failure. The reference guide will be updated and revised periodically, please insert the revisions immediately.

AGREEMENT

PUBLIC WORKS
EMERGENCY RESPONSE
MUTUAL AID AGREEMENT

WHEREAS, the purpose of this pre-disaster agreement between the agencies is to provide for immediate assistance to protect life and property;

WHEREAS, this Agreement is authorized under State of Washington, RCW's 35 (City), 36 (County), 38.52 (Emergency Management), 39.34 (Interlocal Agreement) and 47 (Public Highway Transportation (DOT)); which is activated only in the event of a proclamation of an emergency by the local and/or state government approving authority;

WHEREAS, the agency asking for assistance from any signatory agency will herein be referred to as the Requesting Agency;

WHEREAS, the signatory agency agreeing to assist another signatory agency asking for assistance will herein be referred to as the Responding Agency;

WHEREAS, it is necessary and desirable that this Agreement be executed for the exchange of mutual aid; with the intent to supplement not supplant agency personnel.

NOW, THEREFORE, it is hereby agreed by each and all of the parties signatory to the Agreement as follows:

1. Each agency signatory to this Agreement agrees to furnish, upon its sole discretion, those resources and services it deems to be available to each other signatory agency hereto as necessary to assist in the prevention, response, recovery and mitigation of proclaimed emergencies/disasters.

2. It is hereby understood that this Agreement shall not supplant pre-existing mutual aid agreements nor deny the right of any agency hereto to negotiate other mutual aid agreements.

3. The Responding Agency shall assist in only those situations for which it has determined it has qualified personnel, appropriate equipment and necessary materials. Resources of the Responding Agency that are made available to the Requesting Agency shall, whenever possible, remain under the control and direction of the Responding Agency. The Requesting Agency shall coordinate the activities and resources of all Responding Agencies.

4. It is hereby understood that the Responding Agency will be reimbursed (e.g., labor, equipment, materials and other related expenses as applicable, including loss or damage to equipment) at its adopted usual and customary rates. The Responding Agency shall submit an itemized voucher of costs to the Executive Head of the Requesting Agency within sixty (60) days after completion of work (RCW 38.52.080). Unless otherwise agreed, the Responding Agency shall receive reimbursement within ninety (90) days after the voucher submittal date.

5. The Responding Agency shall have no responsibilities or incur any liabilities because it does not provide resources and/or services to any other party to this Agreement. The Responding Agency shall retain the right to withdraw some or all of its resources at any time. Notice of intention to withdraw shall be communicated to the Requesting Agency's designated official, or the official's designee, as soon as practicable.

6. All privileges, immunities, rights, duties and benefits of officers and employees of the Responding Agency shall apply while those officers and employees are performing functions and duties on behalf of the Requesting Agency, unless otherwise provided by law. Employees of the Responding Agency remain employees of the Responding Agency while performing functions and duties on behalf of the Requesting Agency (RCW 38.52.080).

7. To the extent permitted by law, the Requesting Agency shall protect, defend, hold harmless and indemnify all other Responding signatory Agencies, and their officers and employees from any and all claims, suits, costs, damages of any nature, or causes of action, including the cost of defense and attorneys fees, by reason of the acts or omissions, whether negligent, willful, or reckless, of its own officers, employees, agency or any other person arising out of or in connection with any acts or activities authorized by this agreement, and will pay all judgments, if any, rendered. This obligation shall not include such claims, costs, damages or other expenses which may be caused by the sole negligence of the Responding Agencies or their authorized agents or employees.

8. Authorization and approval of this Agreement shall be in a manner consistent with the Agency's current procedures. This Agreement shall be effective upon approval by two or more agencies and shall remain in effect as long as two or more agencies are parties to this Agreement. Upon execution of this Agreement, the agency shall send an original or a certified copy of the agreement to the Washington State Department of Transportation, Highways & Local Programs Service Center. Highways & Local Programs shall maintain a list of all signatory agencies and send an updated list to all agencies whenever an agency is added or removed from the list.

9. Any agency signatory to this Agreement may cancel its participation in this Agreement by giving written notice to the Washington State Department of Transportation, Highways & Local Programs Service Center.

10. This Agreement is for the benefit of the signatory agencies only and no other

person or entity shall have any rights whatsoever under this Agreement as a third party beneficiary.

_____

Agency

_____

County, Washington

_____

Authorized Representative

_____

Date

Designated Primary Contact:
Office: Contact: Phone Number:

Emergency 24 Hour Phone Number:

Approved As To Form

_____/S/_____
ANN E. SALAY
Office of the Attorney General
Date: July 10, 1997

REFERENCE GUIDE

PROCEDURES TO CONSIDER
in using the
Public Works Emergency Mutual Aid Agreement

Below are **SUGGESTED** steps for your agency to follow when using the Public Works Emergency Response Mutual Aid Agreement. The participants to the agreement are listed by agency, with a contact person, their phone number and an emergency 24-hour phone number. Simply make the contact and obtain the assistance. (TransAid will keep and updated list of signatory agencies on the Internet and provide a copy to the signatory agencies.)

Requesting Agency Steps to Follow

When your agency is requesting assistance:
1. Assess the situation and determine the resources needed.
2. Fill out the REQUESTING AGENCY'S CHECKLIST (see page 2).
3. Locate agencies included in the agreement.
4. Call the agency(s) listed that may have the resources you need.
5. Fill out a Requesting Agency's MUTUAL AID INFORMATION form (see page 3).
6. Send copy of form to the Responding Agency as soon as possible.

Responding Agency Steps to Follow

When your agency is responding to a request for assistance:
1. Make sure you can fulfill the request before giving an answer. Remember, *you are not required* to supply aid if you determine you can not spare resources or if you do not have qualified personnel, appropriate equipment and necessary materials for what is requested.
2. Analyze the level of risk of the request.
3. Complete the RESPONDING AGENCY CHECKLIST (see page 4) with the information given by the Requesting Agency.
4. Brief your employees and prepare the equipment.
5. Complete the EMPLOYEE & EQUIPMENT INFORMATION (see page 5) form -- provide copies to your responding staff and to the Requesting Agency.
6. Dispatch staff to the Requesting Agency for assistance.

Supervisor of Responding Agency Steps to Follow

1. Complete the INCIDENT COMMANDER CHECKLIST (see page 7).
2. Carry a copy of the Requesting Agency's MUTUAL AID INFORMATION (see page 3) form and your EMPLOYEE & EQUIPMENT INFORMATION (see page 5) form and provide a copy of each to the Requesting Agency.
3. Remember, you are responsible for your crew working in a safe and professional manner.
4. Track your equipment and materials inventory.

REQUESTING AGENCY CHECKLIST

- Ensure that a real need exists. The Public Works Emergency Response Mutual Aid Agreement is only to be used to support resources already reasonably committed.
- What can the Responding Agency help you repair or service? What is the nature of the emergency?
- Identify what type of equipment; material and skilled employees are needed.
- How long may they be needed? Will Responding Agency employees work independently or with one of your supervisors?
- Where will Responding Agency employees eat, sleep and shower? Do you need to make contact with the Red Cross for meals? What facilities/hotels are available for Responding Agency employees?
- Has an arrangement for refueling and repair of equipment been made?
- Identify a staging area. Where will Responding Agency employees meet your Agency supervisor(s) to be briefed and assigned work? Responding Agency employees will need names of your supervisor(s), phone numbers and locations and times to meet and report.

Who Can Help?

- Review list of Public Works Emergency Response Mutual Aid agencies and locate an agency not affected by the emergency.
- Contact your local Office of Emergency Management, if necessary.
- Call the agency directly. Send written request as soon as possible.
    - Identify yourself and your agency.
    - Fill out a MUTUAL AID INFORMATION (see page 3) form.
    - State the nature of the problem.
    - State your needs - personnel, equipment, resources, etc. Length of time they will be needed?
    - Advise the Responding Agency on weather and road conditions.
    - How soon is aid needed? Is the work time sensitive?
    - Advise the Responding Agency where, when and to whom they are to report?

- Identify facilities that are available to Responding Agency (shelter, food, etc.)

Briefing

- Meet with your agency's union reps or supervisors to discuss how staff will be used.
- Identify a staff person to work directly with your employees to handle and address questions. Provide local maps of the area with information such as eating and sleeping sites.
- Provide system maps and discuss how to use them.
- Review standards for the type of work being requested.
- Establish a communications plan.

MUTUAL AID INFORMATION FORM
Requesting Agency

DATE: TIME:

REQUESTING AGENCY:

NAME/TITLE CONTACT:

PHONE NUMBER: FAX NUMBER:

EMERGENCY PHONE NUMBER:

TYPE OF EMERGENCY:

ESTIMATED DURATION ASSISTANCE WILL BE REQUIRED:

ASSISTANCE BEING REQUESTED (be as specific as possible.)
*Technical Assistance **
Personnel Area of Expertise

*Equipment **

Communication Equipment:

*Materials **

* Items to consider in your request:
Inspectors Engineers Surveyors
Technicians Truck Drivers Utility person
Operators Flaggers Welders
Mechanics Bridge Repair Carpenters
Electricians Dump Trucks Back Hoe
Gravel Pipe Paving Equipment
Oiler Grader Compactor
Traffic Control Equip. Power Supply Communication Equip.

RESPONDING AGENCY CHECKLIST

DATE: TIME:

REQUESTING AGENCY:

NAME/TITLE CONTACT:

PHONE NUMBER: FAX NUMBER:

EMERGENCY PHONE NUMBER:

TYPE OF EMERGENCY:

ESTIMATED DURATION ASSISTANCE WILL BE REQUIRED:

Fill out Mutual Aid Information form.

Clarify Need

- Review types of damage and what Responding Agency employees may be expected to deal with (volcanic ash, earthquake, flooding, etc.)
- Review types of equipment, materials and number of employees needed and skills required.
- How long will your employees be needed? Should a relief crew be prepared? Where will your employees stay and eat?
- Identify a communications plan for crews.
- How will responding affect your agency's current operations?
- Immediately notify Supervisor, elected officials and Highways & Local Programs of request for Emergency Response Mutual Aid.

Preparations

- Identify your responding employees. Review employee selection with union reps or supervisors. Ask employees to bring necessary personal items.
- Identify Incident Commander for your employees and appoint staff for operations, planning, logistics and finance.
- Review ER/FEMA documentation procedures with supervisors and initiate record-keeping requirements.

- Inventory and standardize tools and materials on vehicles. Inspect vehicles for travel.
- Set up daily check in time between Responding and Requesting agency. Review progress, identify hours worked, working conditions and status of crew.
- Send cash (not check) or credit cards with Supervisor for emergency expenses.
- Send mobile phone or ham radio equipment for back up communications.
- Be sure emergency food and water are on each vehicle.

EMPLOYEE & EQUIPMENT INFORMATION
Responding Agency

Agency: Date:

Supervisor of Crew:

Communication Equipment/Phone Numbers:

Report Time: Report Date:

Report To: Area Assigned:

ASSISTANCE BEING PROVIDED (be as specific as possible)

Supervisor & Crew Employees
Name Emergency Contact Qualifications
& Phone Numbers Flagger CPR CDL Operator First Aid

*Technical Assistance **
Personnel Area of Expertise

Confined Space:

*Equipment **

Truck Type & Size:
Truck Materials Inventory:
Truck Tools & Equipment Inventory:
Communication Equipment:

*Materials **

Shoring Needed:

* Items to consider in your request:
Inspectors Engineers Surveyors
Technicians Truck Drivers Utility person
Operators Flaggers Welders
Mechanics Bridge Repair Carpenters

Electricians Dump Trucks Back Hoe
Gravel Pipe Paving Equipment
Oilier Grader Compactor
Traffic Control Equip. Power Supply Communication Equip.

1 copy to Requesting Agency
1 copy to Responding Agency
1 copy to Crew Supervisor

INCIDENT COMMANDER CHECKLIST
Responding Agency

Upon Arrival

- Check-in with supervisor on site.
- Review maps, damage information, repair needs and potential crew assignments. Request information on repair standards.
- Ensure that lodgings, meals and refueling capabilities exist. If not, identify crewmember to work on problem and ask Requesting Agency for assistance.
- Review documentation procedures with Requesting Agency's supervisor and obtain supplies to track repairs and costs associated with job.
- Establish daily briefing time with Requesting Agency's supervisor.
- Establish daily documentation briefing with Requesting Agency's supervisor to ensure that tasks are completed.
- Establish working shifts.
- Review Communication Plan.

Daily Process

- Briefing with supervisors and crew on work assignments and progress.
- Review safety procedures with crew.
- Review events and any problems or positive interaction with Requesting Agency's employees or customers.
- Ensure lunch and evening food breaks are provided and that a system for meals, refueling and restocking is maintained.
- Contact Responding Agency for briefing.
- Review documentation at end of each day for accuracy and completion.

Work Termination

- Meet with crews to review successes and problems.
- Identify total hours worked and number of repairs.
- Total up costs associated with work.
- Allow rest and recovery time before leaving for home.

7.A.3. Signatory Agencies

Public Works Emergency Response Mutual Aid Agreement
Signatory Agencies

Signatory Agency	Primary Contact	Phone No.	Emergency 24 Hr. Phone No.
COUNTIES			
Adams	Gale Kulm	(503)659-3276	(509)659-1122
Benton	Ross Dunfee	(509)786-5611	(509)628-0333
Chelan		(509)664-5415	(509)664-5243
Clallam	Joe Ciarlo	(360)417-2305	(360)417-2459
Columbia	Scott Smith	(509)382-2534	(509)382-2518
Franklin	Tim Fife	(509)545-3514	(509)545-3510
Garfield	Clay Barr	(509)843-3369	(509)843-3493
Grant	Michael Murray	(509)754-6082	(509)754-4144
Island	Lewis Legat	(360)679-7331	(360)678-6443
Jefferson	Gary Rowe	(360)385-9160	(360)385-7693 or (360)385-3831
King	Linda Dougherty	(206)296-6590	(206)296-8100
Kittitas	Director	(509)962-7523	(509)962-7523
Lewis	Ed Oliphant	(360)740-1123	(360)740-1105
Lincoln	Bob Breshears	(509)725-7041	(509)725-3501
Mason	Joe Murray	(360)427-7535	(360)427-7761 or (360)490-0276 Pager
Okanogan	Bill Verjrostek	(509)422-7300 (509)826-3944	(509)422-7232
Pacific	Esco Bell	(360)875-9368	(360)875-9395
Pierce	Will Kinne	(253)798-7364	(253)798-3842
San Juan	Tom Huse	(360)378-2114	(360)378-4151
Skagit	P.W. Director	(360)336-9400	
Snohomish	Loren Sand	(425)388-6450	(425)252-9071
Spokane	Phil Barto	(509)324-3429	(509)456-4209 pg #0275
Thurston	Lester Olson	(360)754-4580	(360)704-2740
Walla Walla	Phil Merrell	(509)527-3241	(509)527-3265
Whatcom	Jeffrey Monsen	(360)676-6692	(360)676-6681 (360)676-6910
Whitman	Dane Dunford	(509)397-6206	(509)332-4501
Yakima	Vern Redifer	(509)574-2300	(509)574-2500 Sheriff
CITIES			
Aberdeen	Larry Bledsoe	(360)533-4100	(360)533-5817
Almira	Darrell Francis	(509)639-2221	(509)639-2580
Anacortes	Bob Hyde	(360)293-1919	(360)507-0914 Cellular
Arlington	Paul Ritchart	(360)403-3500	(360)403-3500
Auburn	Duty Officer	(253)931-3060	(253)852-2121
Bainbridge Island	Lance Newkirk	(206)842-1212	(360)308-5400
Bellingham	Dick McKinley	(360)676-6961	(360)676-6896
Bellevue	Dennis Vidmar	(425)452-7840	(206)996-0186 Pager

Bremerton	Robert Tulp	(360)478-7253	(360)415-6437
Bothell	Robert McDonald	(425)488-0118	(425)486-1254
Brewster	Mike Shenyer	(509)689-3464	(509)689-2331
Bridgeport	Pat Gordon	(509)686-4041	Dial 911
Buckley	Arthur McGehee	(360)829-3157	(360)829-3157
Bucoda	Mayor	(360)278-3525	(360)704-2740
Camas	Monte Brachmann	(360)834-2457	(360)737-0592
Cathlamet	Dave Smith	(360)795-3203	(360)795-3242
Centralia	Tom Reber	(360)330-7674	(360)330-7681
Clyde Hill	Mitch Wasserman	(206)453-7800	(206)454-7187 or (206)999-7670 Cellular
Colfax	Lewis Griffin	(509)397-2861	(509)397-3416 Fire Dept.
College Place	Paul Hartwig	(509)525-0510	(509)527-1960
Colton	Bill Frye	(509)229-3712	(509)229-3717
Coulee City	Mayor	(509)632-5331	1-888-431-9911
Coupeville	Malcom Bishop	(360)678-4461	(360)240-4543
Creston	Larry Haydon	(509)636-3145	(509)636-3636
Deer Park	Roger Krieger	(509)276-8802	(509)276-8230
Des Moines	Tim Heydon	(206)870-6522	(206)870-6530
Eatonville	Russell Blount	(360)832-3361	(360)893-6198
Ellensburg	John Akers	(509)962-7230	(509)925-8535
Elma	Police Chief	(360)482-3131	Grays Harbor 911
Everett	Claire Olivers	(425)257-8890	(425)257-8821
Everson	Rick Holt	(360)966-3411	(360)354-6210
Fairfield	Sue Adams	(509)283-2414	(509)283-2181 Mayor
Farmington	Royce Johnson	(509)287-2500	Whitman Co. 911
George	Peter Smith	(509)785-5081	(509)785-6283
Gig Harbor	Dave Brereton	(253)851-8145	(253)530-6888
Harrah	Garry Decker	(509)848-2432	(509)848-3702
Hoquiam	Rick Thomas	(360)532-0892	(360)532-0892
Issaquah	Brett Heath	(425)837-3470	
Kelso	Sam Adams	(360)423-6590	(360)695-3218
Kennewick	Robert Hammond	(509)585-4251	(509)585-4235
Kent	Larry Blanchard	(253)856-5600	(206)8901119
Kettle Falls	Joel Gassaway	(509)738-6821	(509)684-5296 Sheriff
Lakewood	William Larkin	(253)512-2261 (253)988-3507	(253)798-3842 (253)404-2817 Pager
Langley	Rick Hill	(360)221-4246	(360)221-4433
Latah	Kynda Browning	(509)286-3471	(509)283-4162
Leavenworth	Mike Deason	(509)548-5275	(509)782-3770
Longview	Bob Gregory	(360)577-3375	(360)577-2686
Lynden	Terry Klimpel	(360)354-3446	(360)738-8683
Mansfield	Tyler Caille	(509)683-1112	(509)683-1975
Mattawa	Judy Esser	(509)932-4037	(509)932-4112
Medina	Carl Burris	(425)788-2777	(425)766-4560
Mesa	Teresa Standridge	(509)265-4253	(509)265-4280
Moses Lake	PW Supt	(509)766-9224	(509)766-9230
Mossyrock	Nanette Crocker	(360)983-3300	(360)983-3392
Mountlake Terrace	Terrace Robert Helbock	(425)670-8264	(425)316-2021 Pager or 911

Naches	Charles Ross	(509)653-2647	(509)653-2543
Newcastle	Jim Walker	(425)649-4444	
Oak Harbor	Mark Soptich	(360)240-1608	(360)679-9567
Oakesdale	Thomas Zornes	(509)285-4020	(509)285-5210
Olympia	John Cunningham	(360)753-8470	(360)753-8333
Omak	Fred Sheldon	(509)826-1170	(509)826-0383
Oroville	Rod Noel	(509)476-2106	(509)476-2300
Orting	Jim Mercer	(360)893-2219	(360)829-3157
Pacific	Bob Boyd	(253)929-1190 ext 1404	(253)929-1190 ext 1510
Pasco	Robert Albers	(509)545-3446	(509)539-6340
Port Angeles	Glenn Cutler	(360)417-4801	(360)417-4970
Port Orchard	Jay Cookson	(360)876-2722	Kitsap Co. 911
Port Townsend	Robert Wheeler	(360)385-7212	(360)385-2626
Prosser	L.J. DaCorsi	(509)786-7300	(509)786-7094
Pullman	Mark Workman	(509)334-4555	(509)332-2521
Quincy	Ehman Sheldon or Duane Beattie	(509)787-3523	(509)750-6501
Renton	Greg Zimmerman	(425)277-6211	Dial 911
Richland	Stanley Arlt	(509)943-7460	(509)545-2763
Ritzville	Larry Swift	(509)659-1930	(509)659-1122
Rockford	Carrie Roecks	(509)291-4716	(509)291-4261 or (509)291-3300
Rock Island	Jeff Spencer	(509)884-1261	(509)421-6954
Roy	Thomas Jacobs	(253)843-1113	(253)843-1536
Ruston	Kim Wheeler	(253)761-0272	(253)594-3228
			(253)759-3544
SeaTac	Don Monaghan	(206)439-4716	(425)228-0436
Sedro Woolley	Dean Klinger	(206)855-0111	(206) 855-2252
Selah	Joseph Henne	(509)698-7365	(509)698-7365 or (509)248-0000
Shelton	Jim Ghiglione	(360)426-3348	(360)426-3348
Skykomish	Ted Cleveland	(360)677-2388	(360)677-2591
St. John	Larry Dickerson or Wayne Bly	(509)648-3322	(509)648-3311 (509)648-3977
Stanwood	Gary Armstrong	(360)629-4577 (360)652-2184	(425)347-9794 (425)347-9795
Sultan	Connie Dunn	(360)793-1262	(425)267-1246
Tacoma	Tom Benston	(253)591-5576	(253)591-5480
Toledo	Robert Lockard	(360)864-4565	(360)785-4849 (360)864-4564
Toppenish	Jim Martindale	(509)865-4500	(509)837-3328
Tumwater	Jay Eaton	(360)754-4150	(360)754-4150
Twisp	Gary McConnell	(509)997-4081	(509)997-0440 Home (509)429-2781 Cellular
Uniontown	Leslee Miller	(509)229-3805	(509)335-4555 Police
Waitsburg	Trina Cole	(509)337-6702	(509)337-6371
Waverly	Kynda Browning	(509)283-4122	(509)283-4162
Woodway	Randall Burns	(206)542-4443	(425)339-9295
Yakima	Dick Zais	(509)575-6040	(509)575-6200

OTHER

WSDOT	Terry Simmonds	(360)705-7857	(360)943-3323

7.B. MEMORANDUM OF UNDERSTANDING CONCERNING WORK IN WATERCOURSES

MEMORANDUM OF UNDERSTANDING

Between the

WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE

WASHINGTON STATE DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

WASHINGTON STATE ASSOCIATION OF COUNTIES

ASSOCIATION OF WASHINGTON CITIES

In Cooperation With

NORHTWEST INDIAN FISHERIES COMMISSION

WASHINGTON STATE DEPARTMENT OF ECLOLOGY

WASHINGTON STATE DEPARTMENT OF TRANSPORATION

Concerning

Work in Watercourses

(RCW 75.08.012, 75.20.100, 77.12.010, 36.32.280, 36.32.290, 36.32.300, 38.52, 35.32A.060, 35,33.081, 35.33.91)

DEFINITIONS:

Public Operating Agency

Those signatory agencies that construct and maintain publicly owned facilities and property.

Resource Agency

Those agencies responsible for the regulation and protection of public resources such as fish and wildlife.

Project

Any construction work within fish or wildlife habitat areas.

Habitat Restoration

Work done to improve or replace habitat lost or damaged due to construction projects by public operating agencies.

Maintenance

Routine work on Habitat Restoration Projects to ensure the continued serviceability of facility for fish or wildlife.

BACKGROUND:

Counties have authority to work in watercourses for the purpose of preventing floods which may threaten life and property or case damage to public or private property under Revised Code of Washington (RCW) 36.32.280, RCW 36.32.290, RCW 36.32.300 and RCW 38.52. The cities have similar authority under RCW 35.32A.060, RCW 35.33.081, RCW 35.33.91 and RCW 38.52.

The Department of Fish and Wildlife is mandated to preserve, protect, perpetuate and manage the fish and wildlife resources of the state (RCW 75.08.012 and RCW 77.12.010). This agency protects fish life and habitat through administration of the Hydraulics Code (RCW 75.20.100) and fish passage laws RCW 75.20.060, RCW 75.2.061, RCW 77.16.210, RCW 77.12.425) which are applicable to cities and counties.

The county and city authorities and the Department of Fish and Wildlife authorities are based on different purposes, which sometimes result in potential conflicts among those involved. They have developed these procedures which can be used as an alternative to a legislative or litigated resolution of differences in statutes for accomplishment of work by public operating agencies, in the protection of natural resources and public facilities.

PURPOSE:

The following procedures are established through mutual understanding and intent. The signatory agencies share a common interest in prevention of habitat loss through damage by flooding and future

land development. These agencies also desire to participate in joint projects to restore fish and wildlife habitat loss due to past flooding, land development activities, or public transportation facilities.

The intent of these procedures is also to mutually cooperate and establish procedures for emergency flood control work when the normal permit processes cannot reasonably be utilized. Therefore, these procedures are hereby endorsed by the signatory parties.

I. Fish Passage and Fish and Wildlife Habitat

The signatory agencies agree to enter into a cooperative program to correct fish passage and habitat problems caused by public facilities. The intent of this process is to identify fish passage and other fish and wildlife habitat problems, prioritize them for solution, then mutually agree on annual projects, cost and responsibilities, within the context of long range resolutions of these problems.

Cooperation between the signatory agencies including active pursuit of necessary funding, shall be via the following procedure:

A. Department of Fish and Wildlife will initiate the program by conducting physical surveys of public owned facilities to identify fish passage and other fish and wildlife habitat problems. These surveys will determine the amount and quality of fish and wildlife habitat impacted by these public owned facilities.

Department of Fish and Wildlife will prepare a report of these findings to public operating agencies. Department of Fish and Wildlife and the public operating agencies will negotiate funding of costs and sharing of available resources necessary for this program.

B. Public operating agencies will review and comment on identified fish passage and habitat problems within one year after receipt of this report. Public operating agencies and the Department of Fish and Wildlife will prioritize projects based on criteria including, but not limited to, the amount of habitat to be gained, status of affected fish and wildlife stocks, and total project cost.

C. Resource agency, (under specific agreement), or the public operating agency will prepare selected project proposals for each site including scope, preliminary design, cost estimates and proposed schedules.

D. Each agency will review scope, preliminary design and cost estimates for consistency with the MOU. Questions, problems or irregularities shall be submitted to the Department of Fisheries and Wildlife or public operating agencies for clarification.

E. Identified projects which fall within the scope of other projects on an agency's six year Capital Improvement Plan (CIP), will be constructed in conjunction with the scheduled project. The agency responsible for the six year CIP will be responsible for all related construction costs. (i.e., A culvert identified as a fish passage problem would be corrected as part of the scheduled road construction project.)

F. All agencies which are party to this agreement will endeavor to seek supplementary funding for construction of projects which exceed the public operating agencies ability to fund.

G. Public operating agencies will not normally obtain permits, right of way, or construct and maintain those fish passage facilities and wildlife habitat areas off of their rights of ways, except where it is agreed that the resource needs are a direct result of the public operating agency action or facility.

H. Public operating agencies will normally accomplish necessary design work at their expense. The Department of Fish and Wildlife may accomplish the design work at their expense by mutual agreement. Designs will be reviewed by all agencies and final designs will be mutually agreed upon.

I. Changes in scope or cost overruns must be reviewed and approved by both parties. Construction shall not begin until agreement is reached by both parties on the changes and financial responsibility for cost overruns.

J. Construction change orders in excess of 10% for projects over $25,000.00 or 25% for projects under $25,000.00 must be approved in advance by the agency paying for the construction. Any change orders under these amounts may be approved by the agency administering the project.

II. Maintenance

A. The operating agency agrees to maintain all projects completed under this MOU as required by RCW 75.20.060 and/or RCW 77.16.210.

B. The resource agencies agree to ensure maintenance for those projects which fall outside the operating agency's responsibility.

III. Emergency Flood Control Work Procedures

A. An emergency will be declared by the county legislative authority or county executive under their authority in RCW 36.32; or by the city official under 35.32A.060, 35.33.081, and 35.33.091, and the county or city will accomplish the necessary work to eliminate or lessen the immediate threat to life and property. The work needed to repair, mitigate, or prevent damage will be accomplished in the shortest time frame possible.

B. The definition of emergency, contained in the Hydraulics code, will be used by the counties and cities when declaring the emergency. Washington Administrative Code (WAC) 220.110.020 (7) defines emergency as "an immediate threat to life, public or private property, or an immediate threat of serious environmental degradation arising from weather or stream flow conditions or other natural conditions."

C. In an emergency condition in which the county legislative authority or county executive or city legislative authority determined there is sufficient time to obtain oral approval before proceeding with the necessary emergency work, the Department of Fish and Wildlife hotline will be called to obtain oral approval before proceeding with the necessary emergency work.

D. When an emergency, as defined in WAC 220.110.020 (7), is declared by the county legislative authority or county executive or city legislative authority, this set of procedures will be utilized as a Hydraulic Project approval only when in the reasonable determination of the county legislative authority or county executive or city legislative authority prior notification would have placed the jurisdiction in jeopardy of failing to meet their emergency obligations.

E. If, as flood waters recede or after they recede, it is discovered that additional emergency work as defined above is needed, the Department of Fish and Wildlife hotline will be called to obtain oral approval for the additional emergency work. The resource agency shall give the oral approval of the emergency or shall use an expedited permit process for situations involving imminent threat and the county or city will proceed with the minimum work necessary to repair the damage caused by the flood emergency.

F. Within 30 days of such non-prior notification, a review board of affected parties shall be convened by the Department of Community, Trade and Economic Development, Emergency Management Division to assess the emergency and the actions taken, and potential mitigation required.

G. An on-site consultation meeting between the local government and the Department of Fish and Wildlife shall be held within 48 hours of the emergency declaration to review the emergency, the scope of work performed, the conditions provided by the Department of Fish and Wildlife, and any other matters of concern. Such meeting may be canceled upon mutual agreement of parties.

H. If significant differences of opinion exist after the consultation meeting outlined above, the parties shall, prior to taking any legal action, schedule a follow-up meeting with policy level agency personnel and other mutually agreed upon parties to resolve conflicts.

I. An emergency declaration issued by the county or city will remain in effect until official action is taken by the local government to rescind the declaration.

IV. Training

Washington Department of Fish and Wildlife, and the public operating agencies will annually sponsor a workshop for operating and resource agencies on habitat issues. The intent of the seminar will be to educate participants on both operational and environmental issues. The seminar should also be structured to foster open communication between all parties to this MOU. Washington Department of Fish and Wildlife will take the lead in facilitating the workshop.

V. The Signatory Agencies Mutually Agree:

A. To cooperatively address the issues subject to this MOU and other fish and shell fish or wildlife issues that may arise in the future.

B. That nothing herein contained shall in any way limit or offset in any way any party's statutory authorities and responsibilities.

C. That amendments to this MOU may be proposed by any of the parties and shall be effective upon approval by all parties.

D. Disputes between the parties to this agreement shall be submitted to a panel composed of policy level personnel appointed by the Chief Administrative Officer of the signatory agencies and other mutually agreed upon parties to resolve conflicts.

E. That this MOU shall be effective upon the signature of all parties and shall remain in force unless canceled by mutual consent. Any party can withdraw with thirty (30) day notice.

F. Affected Indian Tribes will be invited to participate in resource management discussions within the scope of this document.

WORK IN WATECOURCES

MEMORANDUM OF UNDERSTANDING

_____	_____
Executive Director Washington State Association of Counties	Date
_____	_____
Director Department of Fish and Wildlife	Date
_____	_____
Executive Director Association of Washington Cities	Date
_____	_____
Director Department of Community, Trade and Economic Development	Date

8.A. LEGAL INDEX

This Section will be added at a later date.

8.B. CALENDAR OF DUE DATES

COUNTY DUE DATES

(FOR FORMS AND DOCUMENTS SUBMITTED TO CRAB)

FORM	DESCRIPTION
Road Levy Certification WAC 135-150-021 Due Date: February 1st	CRAB mails to counties in December Shows the amount of the total road levy fixed and the amount, if any, budgeted in accordance with RCW 36.33.220 for traffic law enforcement and/or any other purpose from diverted road levy.
Sheriff's Certification of Road Levy Expenditures WAC 146-150-022 Due Date: March 15th	CRAB mails to counties in December In those counties where diverted road levy has been budgeted for traffic law enforcement, shows the actual expenditure for traffic law enforcement in the previous budget year. Counties with population of less than 8,000 are exempt from this requirement.
Annual Certification WAC 136-04-020 Due Date: April 1st	CRAB mails to counties in January Required Attachments: bridge report and updated policies and organizational chart, a questionnaire designed to demonstrate each counties level of compliance with pertinent laws and regulations. The CRABoard shall submit a certificate to the state treasurer each year on behalf of those counties found to be in reasonable compliance with provisions of law relating to county road administration and with the Standards of Good Practice as formulated and adopted by the CRABoard.
Annual Construction Report WAC 136-16-050 Due Date: April 1st	CRAB mails to counties in October Shows actual expenditures for all construction work including construction administration and engineering done during the previous budget year. Includes day labor limit computation.
CAPP Report WAC 136-350-020 Due Date: April 1st	CRAB mails to counties in October Summarizes the pavement preservation activities, both CAPA and non-CAPA funded, with a specific listing of roads improved including a definition of work scope and the amount of CAPA funds expended.
Roadlog Update - Due Date: May 1st	
Pavement Surface Condition Ratings - Due Date: May 1st	
Six-Year Program WAC 136-15-050 Due 30 days after adoption	Consists of two parts: 1) a road fund revenue and expenditure analysis for the six-year time period and 2) a program listing of specific projects; attached resolution should reference availability of priority array and bridge report.
Annual Construction Program WAC 136-16-050 Due 30 days after adoption (No later than December 31st)	Shall include recommendations for all road and bridge construction projects and all road equipment purchases for the ensuing year. The sum of all construction costs shall be approximately equal to the amount included in the road fund construction budget for construction work. Includes day labor limit computation attached adopting resolution and planned equipment purchases.
CAPP Program WAC 136-325 Due 30 days after adoption (No later than December 31st)	Lists all proposed county arterial preservation projects and activities for the ensuing year, identifying those projects for which CAPA funding is available.
Road Fund Budgets Due 30 days after adoption (No later than December 31st)	Total amount budgeted for construction should not be less than the grand total of the annually adopted construction program.

8.C. SUGGESTED REFERENCE MATERIALS

Every County Engineer's office should have, as a minimum, several current state-published references available. Care must be taken to assure that you and your staff are always working from the latest versions or updates. Recommended publications include:

A Policy on Geometric Design of Highways and Streets, published by AASHTO;

Budgeting, Accounting, Reporting System (BARS) for Cities and Counties, published by the State Auditor's Office;

Design Manual, published by WSDOT;

Local Agency Guidelines, published by WSDOT;

Manual on Uniform Traffic Control Devices (as modified by WSDOT), published by FHWA;

Revised Code of Washington, published by the Statute Law Committee;

Standard Specifications for Road, Bridge, and Municipal Construction, published by WSDOT;

Washington Administrative Code, published by the Statute Law Committee;

There are, of course, many other publications that will be useful from time to time. Each engineer's office will develop its own reference library over time. Organizations such as AASHTO, TRB, FHWA, and WSDOT have access to a wide variety of publications as well as equipment and material-supply organizations such as The Asphalt Institute.

8.D. OTHER PARTICIPANTS AND RESOURCES

CRAB emphasizes the concept of a seamless transportation system and sees networking and building coalitions for the improvement of the total system as critical. CRAB is not the only support for the County Engineer and we strongly encourage every County Engineer to participate in fraternal and professional organizations to assist in building coalitions and to learn from the experiences of others. Key organizations to work with include:

8.D.1. WSDOT, Especially Highways & Local Programs Service Center (H&LP)

WSDOT is a supportive and cooperative agency with many resources. Highways & Local Programs is the Service Center responsible for federal grant support to counties and cities. In addition, it fulfills an advocacy role on behalf of local transportation issues.

8.D.2. Transportation Improvement Board (TIB)

TIB is the state agency that provides transportation grants for the urban areas of the state. Often, urban unincorporated county areas qualify for these grants as well as smaller cities in the counties.

8.D.3. Washington State Association of Counties (WSAC)

The Washington Association of Counties is a private/ non-profit organization that represents county commissioners. WSAC provides information to the counties on a number of issues, provides a forum for discussion of common issues, and – primarily – provides a lobby for advancement of county interests at the state legislative level.

8.D.4. Washington State Association of County Engineers (WSACE) and National Association of County Engineers (NACE)

WSACE is a affiliate of WSAC and is the professional organization within the state that mentors young engineers, allows a sharing of experiences, and works closely with CRAB to identify areas of concern and future support. CRAB encourages every County Engineer to participate as actively as possible in WSACE.

8.D.5. Professional Organizations

Within the counties, there are other city and transportation planning organizations that you may benefit from working with. Get to know them and work together.

8.E. COUNTY ENGINEERS' CODE OF ETHICS

The County Engineers of the State of Washington recognizing the trust and confidence reposed in them by the citizens of the State as proclaimed in Chapter 187, Session Laws of 1937, do hereby declare and adopt this Code of Ethics:

1. The position of County Engineer is one requiring high professional stature, and the individual occupying that position shall act in a manner that shall be a credit to the profession and the County.

2. The County Engineer shall manage and administer the County Road Department and other assigned departments lawfully under the County Engineer's jurisdiction in accordance with the spirit and intent of the appropriate statute and in a professional manner suggested by professional training, continual professional improvement, and professional guidance from State and national groups and professional organizations.

3. The County Engineer shall gather and prepare factual data and reports and make professional recommendations to the Board as engineering support for the Board's decision-making regarding policy.

4. The County Engineer shall use professional engineering skills and knowledge to carry out the Board's decisions or policy.

5. The County Engineer shall use professional engineering abilities to appraise results of actions and operations and in a professional manner take appropriate actions to have necessary items brought to the attention of the Board with recommended policy changes.

6. The County Engineer shall consult regularly with the Board to attain and ensure complete understanding of decisions made by the Board so that professional actions of the County Engineer will result in compliance with policy decisions of the Board.

7. The County Engineer shall act at all times in the highest professional manner to maintain the dignity and honor of the position.

8. The County Engineer shall be professional in all aspects of conduct – professional duties, community activities, and personal conduct as a private citizen so that honor and respect shall be reflected on the engineering profession.

9. The County Engineer shall stimulate professional attainment of qualified staff members and provide the opportunity for the advancement and development of every employee's potential skills.

10. The County Engineer shall serve in the public interest and treat all citizens courteously, equally, and fairly.

Adopted by the WSACE on November 19, 1994.

8.F. COUNTY RESOURCE LIST

OTHER PARTICIPANTS AND RESOURCES

CRAB emphasizes the concept of a seamless transportation system and sees networking and building coalitions for the improvement of the total system as critical. CRAB is not the only support for the county engineer and we strongly encourage every county engineer to participate in fraternal and professional organizations to assist in building coalitions and to learn from the experiences of others. Key organizations to work with include:

WSDOT and Highways and Local Programs

An extremely supportive and cooperative agency with may resources. H&LP is the division responsible for TEA-21 grants support to cities and counties.

Transportation Improvement Board

A state agency providing transportation grants for the urban areas of the state. Often, urban unincorporated county areas qualify for these grants as well as smaller cites (>5,000) in the county.

Washington State Association of County Engineers

and the National Association of County Engineers

The Washington State Association of County Engineers (WSACE) is the professional organization within the state which mentors your engineers, allows a sharing of experiences and works closely with CRAB to identify areas of concern and future support. WSACE helps CRAB determine future goals and direction. You gain from any experience in proportion to your participation, and CRAB strongly urges every county engineer to participate as actively as possible in WSACE.

NACE is the National Association of County Engineers. Washington State has traditionally been well represented in the national organization and we again encourage participation.

Washington State Association of Counties

The Washington State Association of Counties is a private/non-profit organization that represents the county commissioners. WSAC provides information to the counties on a number of issues, provides a forum for discussion of common issues and, primarily, provides a lobby for advancement of county interests at the state legislative level.

Professional Organizations

Within the counties, there are other city and transportation planning organizations that you should be working with. Get to know them and work together.

8.G. GLOSSARY OF ACRONYMS

2-R	Resurfacing and Restoration	
3-R	Resurfacing, Restoration, and Rehabilitation	
4-R	Resurfacing, Restoration, Rehabilitation, and Reconstruction	
AADT	Annual Average Daily Traffic	
AAR	American Association of Railroads	
AASHTO	American Association of State Highway and Transportation Officials	
ACP	Asphalt Concrete Pavement	
ACP	Annual Construction Program	
ADA	Americans with Disabilities Act	
ADT	Average Daily Traffic	
AGC	Associated General Contractors	
ANSI	American National Standards Institute	
APWA	American Public Works Association	
ARTBA	American Road and Transportation Builders Association	
ARWA	American Right of Way Association	
ASCE	American Society of Civil Engineers	
ASTM	American Society for Testing and Materials	
ATB	Asphalt Treated Base	
ATMS	Advanced Traffic Management System	
AVR	Average Vehicle Ridership	
AWC	Association of Washington Cities	
AWSC	All Way Stop Controlled	
AWWA	American Water Works Association	
BARS	Budgeting, Accounting, and Reporting System	
BASUB	Basic and Sub-account numbers used in BARS	
BFRC	Benton-Franklin Regional Council	
BIA	Bureau of Indian Affairs	
BLA	Boundary Line Adjustment	
BLM	Bureau of Land Management	
BRAC	Bridge Replacement Advisory Committee	State
BRCT	Blue Ribbon Commission on Transportation	
BROS	Bridge Replacement Off System	

BRR	Bridge Replacement and Rehabilitation	Federal
BST	Bituminous Surface Treatment	
C3R	Close, Repair, Rehabilitate, or Replace	
CA	Certification Acceptance	
CAAA	Clean Air Act Amendments of 1990	
CAPA	County Arterial Preservation Account	
CAPP	County Arterial Preservation Program	
CDL	Commercial Driver's License	
CE	Categorical Exclusions (NEPA); Categorical Exemptions (SEPA)	
CERB	Community Economic Revitalization Board	
CFGS	County Freight and Goods System	
CFP	Capital Facilities Plan	
CFR	Code of Federal Regulations	
CIP	Capital Improvement Program	
CMAQ	Congestion Mitigation and Air Quality Program	
CMS	Congestion Management System	
COG	Council of Governments	
CRAB	County Road Administration Board	
CRP	County Road Project	
CTR	Commute Trip Reduction	
CVEO	Commercial Vehicle Enforcement Officer	WSP
CVISN	Commercial Vehicle Information Systems Network	
CY	Calendar Year	
DCTED	Department of Community, Trade, and Economic Development	State
DEIS	Daft Environmental Impact Statement	State
DEM	Division of Emergency Management	SEPA
DFO	Disaster Field Office	
DHV	Design Hourly Volume	
DIS	Department of Information Services	
DMV	Department of Motor Vehicles	
DNR	Department of Natural Resources	State
DNS	Determination of Non-Significance	SEPA
DOE	Department of Ecology	State

DOL	Department of Licensing	State
DOP	Department of Personnel	State
DOR	Department of Revenue	State
DOT	Department of Transportation	State
DPA	Deputy Prosecuting Attorney	
DPW	Department of Public Works	
DS	Determination of Significance	SEPA
DSHS	Department of Social and Health Services	
EA	Environmental Assessment	NEPA
EEOC	Equal Employment Opportunity Commission	
EIS	Environmental Impact Statement	SEPA
EO	Executive Order	
EOE	Equal Opportunity Employer	
EPA	Environmental Protection Agency	Federal
ER	Emergency Relief	
ER&R	Equipment Rental & Revolving	
FA	Federal Aid	
FAS	Federal Aid Secondary	
FAUS	Federal Aid Urban Systems	
FCAAP	Flood Control Assistance Account Program	
FEIS	Final Environmental Impact Statement	SEPA
FEMA	Federal Emergency Management Administration	
FERC	Federal Energy Regulatory Commission	
FFY	Federal Fiscal Year	
FGTS	Freight and Goods Transportation System	State
FHWA	Federal Highway Administration	
FLH	Federal Lands Highway	
FLSA	Fair Labor Standards Act	
FMSIB	Freight Mobility Strategic Investment Board	
FONSI	Finding of No Significant Impact	NEPA
FY	Fiscal Year	
GA	Department of General Administration	State

GIS	Geographic Information Systems	
GLO	Government Land Office	Federal
GMA	Growth Management Act	State
GVW	Gross Vehicle Weight	
HCM	Highway Capacity Manual	
HCT	High Capacity Transit	
HOV	High Occupancy Vehicle	
HTC	House Transportation Committee	State
HUF	Highway Users Federation	
IMSA	International Municipal Signal Association	
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991	Federal
ITE	Institute of Transportation Engineers	
ITS	Intelligent Transportation System	
IVHS	Intelligent Vehicle Highway Systems	
JLARC	Joint Legislative Audit and Review Committee	State
L&I	Department of Labor and Industries	State
LA	Local Agency	
LAG	Local Agency Guidelines	
LEAP	Legislative Evaluation and Accountability Program	State
LID	Local Improvement District	
LOS	Level of Service	
LS	Land Surveyor	
LTC	Legislative Transportation Committee	State
MDNS	Mitigated Determination of Non-Significance	SEPA
MOA	Memorandum of Agreement	
MOU	Memorandum of Understanding	
MPO	Metropolitan Planning Organization	
MSA	Metropolitan Statistical Area	
MTO	Model Traffic Ordinance	
MUTCD	Manual on Uniform Traffic Control Devices	

MVET	Motor Vehicle Excise Tax	State
MVF	Motor Vehicle Fund	State
MVFT	Motor Vehicle Fuel Tax	State
NAAQS	National Ambient Air Quality Standards	
NACE	National Association of County Engineers	
NACHP	National Advisory Council for Historic Preservation	
NACO	National Association of Counties	
NAFA	National Association of Fleet Administrators	
NBIS	National Bridge Inspection Standards	
NCHRP	National Cooperative Highway Research Program	
NEC	National Electrical Code	
NEPA	National Environmental Policy Act	
NHS	National Highway System	
NHTSA	National Highway Traffic Safety Administration	
NMFS	National Marine Fisheries Service	
NPDES	National Pollutant Discharge Elimination System	
NTSB	National Transportation Safety Board	
OA	Obligation Authority	
OAHP	Office of Archaeological and Historic Preservation	State
OFM	Office of Financial Management	State
OMB	Office of Management and Budget	Federal
OSHA	Occupational Safety and Health Act	Federal
OST	Office of State Treasurer	State
OUM	Office of Urban Mobility	WSDOT
PCC	Portland Cement Concrete	
PCR	Pavement Condition Rating	
PDEIS	Preliminary Draft Environmental Impact Statement	SEPA
PE	Preliminary Engineering	
PE	Professional Engineer	
PL	Public Law	Federal
PERC	Public Employees Relations Commission	State
PERS	Public Employees Retirement System	State

PLS	Professional Licensed Surveyor	
PMS	Pavement Management System	
PNWPFMA	Pacific Northwest Public Fleet Managers Association	
PPI	Public-Private Initiatives Program	WSDOT
PS&E	Plans, Specifications, and Estimates	
PSRC	Puget Sound Regional Council	
PTBA	Public Transportation Benefit Area	
PUD	Public Utility District	
PWB	Public Works Board	
PWTFL	Public Works Trust Fund Loan	
RAP	Rural Arterial Program	
RATA	Rural Arterial Trust Account	
RCW	Revised Code of Washington	
REET	Real Estate Excise Tax	
RFP	Request for Proposal	
RFQ	Request for Qualifications	
RID	Road Improvement District	
ROD	Record of Decision	NEPA
ROW	Right-of-Way	
RTA	Regional Transit Authority	
RTPO	Rural Transportation Planning Organization	
R/W	Right-of-Way	
SAO	State Auditor's Office	
SEPA	State Environmental Policy Act	
SHPO	State Historical Preservation Officer	
SIP	State Implementation Plan	
SMA	Shorelines Management Act	
SMS	Safety Management System	
SMSA	Standard Metropolitan Statistical Area	
SOV	Single Occupancy Vehicle	
SRTC	Spokane Regional Transportation Council	
STC	Senate Transportation Committee	State
STIP	State Transportation Improvement Program	

STP	Surface Transportation Program	Federal
SWIBS	State of Washington Inventory of Bridges and Structures	
SWRTC	Southwest Washington Regional Transportation Council	
T2	Technology Transfer	
TBD	Transportation Benefit District	
TCP	Traffic Control Plan	
TDM	Transportation Demand Management	
TEA-21	Transportation Equity Act for the 21st Century	Federal
TIA	Transportation Improvement Account	
TIB	Transportation Improvement Board	
TIP	Transportation Improvement Program	
TMA	Transportation Management Area	
TRAC	Washington State Transportation Center	UW
TRB	Transportation Research Board	
TRPC	Thurston Regional Planning Council	
TS&L	Type, Size, and Location	
TSM	Transportation System Management	
UATA	Urban Arterial Trust Account	
UBC	Uniform Building Code	
ULID	Utility Local Improvement District	
USC	United States Code	
UTC	Utilities and Transportation Committee	State
USDOT	U.S. Department of Transportation	Federal
USFS	United States Forest Service	
USFWS	United States Fish and Wildlife Service	
USGS	United State Geological Survey	
VE	Value Engineering	
VIN	Vehicle Identification Number	
VMT	Vehicle Miles Traveled	
WAC	Washington Administrative Code	
WACO	Washington Association of County Officials	

WAPA	Washington Association of Prosecuting Attorneys
WASHTO	Western Association of State Highway and Transportation Officials
WASPC	Washington Association of Sheriffs and Police Chiefs
WCCOG	Whatcom County Council of Governments
WDFW	Washington Department of Fish and Wildlife
WHUF	Washington Highway Users Federation
WISHA	Washington Industrial Safety and Health Act
WSAC	Washington State Association of Counties
WSACE	Washington State Association of County Engineers
WSDOT	Washington State Department of Transportation
WSEO	Washington State Energy Office
WSF	Washington State Ferries
WSGRTA	Washington State Good Roads and Transportation Association
WSP	Washington State Patrol
WSTA	Washington State Transit Association
WTA	Washington Trucking Alliance
WTP	Washington Transportation Plan
WTSC	Washington Traffic Safety Commission
WUTC	Washington Utilities and Transportation Commission
YVCOG	Yakima Valley Council of Governments

8.H. GLOSSARY OF TERMS

Americans with Disabilities Act – Federal law that mandates extensive changes in building codes, transportation, and hiring practices to prevent discrimination against persons with disabilities, not only in projects involving federal dollars, but also in connection with all new public places, conveyances, and employers.

Agency Administrator – A local agency official empowered by position or delegated the authority to administer transportation projects.

Annual Average Daily Traffic – The estimate of typical daily traffic on a road segment for all days of the week, Sunday through Saturday, over the period of one year.

Annual Seasonal Factors – The set of twelve factors, one for each month of the year that is used to adjust coverage counts to estimates of AADT. Annual seasonal factors make use of the full year's data collected by continuous counters.

Approval Authority = The position title designated in the Certification Acceptance Qualification Agreement as responsible for approving a document or stage of a federal aid transportation project.

Bituminous Surface Treatment – One or more applications of sprayed-on liquid asphalt followed by a layer of suitable aggregate to protect and preserve the surface, maintain the structural integrity, or restore the surface texture and skid resistance of the roadway. Generally performed on low volume roadways.

Categorical Exclusions – Actions that do not individually or cumulatively have a significant effect on the environment.

Categorical Exemptions – Actions that do not individually or cumulatively have a significant effect on the environment.

Certification Acceptance – The process of approving local agencies to administer their federal aid transportation projects.

Chip Seal – A single application of BST applied to existing pavement surfaces to correct surface raveling and oxidation of old pavements. Chip seal also provides a waterproof cover for an existing pavement structure.

Commute Trip Reduction Law – The state law that requires major employers in the eight most populous counties of the state to reduce the number of SOV trips and the number of vehicle miles traveled by their employees.

Comprehensive Plan – A compendium of maps, charts, and text that contains a city or county's plans for long-term development. Also, a legal document required by the state's GMA, as outlined in RCW 36.70A.

Concurrency – The GMA requirement that adequate public services and facilities such as water, sewer, storm drainage, and transportation infrastructure must be available at the time new development is occupied.

Construction – The building of a street, a portion of a street, or a facility that did not previously exist. It may be on new right-of-way or on existing right-of-way.

Declaration of Non-Significance – The written decision by the agency administrator that a proposal will not have a significant environmental impact and that no EIS is required.

Declaration of Significance – The written decision by the agency administrator that a proposal could have significant adverse impact of the environment and, therefore, an EIS is required.
Distribution Formula – The Statutorily-defined formula for allocating state motor vehicle fuel tax revenues to specific programs and entities.

Eighteenth Amendment – An amendment to the State constitution passed in 1944, stating that motor vehicle license feed, gas tax, and other state revenues intended for highway purposes may only be used for highway purposes.

Environmental Checklist – A local agency document used to determine whether an action will significantly impact the environment. The checklist form contained in WAC 197-11-960 is used for all actions not categorically exempt or not clearly requiring an EIS.

Final estimate – An estimate of the total cost of a project prepared after completion of the construction contract and used as the basis for final payment to the contractor.

Fund – A fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances, and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations.

Growth Management Act – a state law passed by the legislature in 1990 and amended in 1991 which addresses the negative consequences of unprecedented population growth and suburban sprawl in Washington State. The GMA requires all cities and counties in the state to do some planning and has more extensive requirements for the largest and fastest-growing counties and cities in the state. Its requirements include guaranteeing the consistency of transportation and capital facilities plans with land use plans.

High Occupancy Vehicle – An automobile, van, pick-up truck, or bus that carries enough people to travel in the HOV or Diamond Lane. In Washington State, most HOV lanes require that two or more persons travel together, although in some places three people are needed.

Lead Agency – A federal, state, or local agency taking primary responsibility for preparing an environmental document.

Level of Service – A qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.

Local Match – That portion of a project's cost paid for with local agency funds.

Maintenance – those activities undertaken to ensure that infrastructure can continue to be used during its originally established useful life.

Metropolitan Planning Organization – An agency designated by the governor (or governors in a multi-state area) to administer the federally required transportation planning process in a metropolitan area. An MPO must be in place in every urbanized area over 50,000 population.

National Highway System – The system designated by Congress in 1995 that includes all Interstate routes, a large percentage of urban and rural principal arterials, and strategic highways and connectors.

Preservation – Those activities that extend the useful life of infrastructure beyond its originally estimated useful life, but do not increase its capacity or efficiency.

Public Involvement Plan – A required, integral part of an environmental study plan which outlines procedures for presenting information to the public, obtaining public comment, and considering public opinion.

Rehabilitation – Similar to "Restoration" except the work may include reworking or strengthening the base or subbase, recycling or reworking existing materials to improve their structural integrity, adding underdrains, improving or widening shoulders. Rehabilitation may include acquisition of additional right-of-way.

Remainder – The portion of a land parcel not acquired for public right-of-way.

Restoration – Work performed on pavement or bridge decks to render them suitable for resurfacing. This may include supplementing the existing roadway by increasing surfacing and paving courses to provide structural capability, and widening up to a total of 10 feet. Restoration will generally be performed within the existing right-of-way.

Resurfacing – The addition of a layer or layers of paving material to provide additional structural integrity, improved serviceability, and ride ability.

Rural Area – Any land area outside the boundaries of the federally-designated urban areas as shown on the official urban area maps on file at WSDOT.

Scoping – A process for identifying issues and alternatives for an EIS.

Surfaced Width – The portion of a street or road for use by moving vehicles, between curbs or shoulders, including turning lanes where such lanes are appropriate, but excluding parking lanes and/or shoulders.

Transportation Demand Management – An effort to reduce the number of people traveling by SOV by promoting non-SOV modes of transportation. TDM efforts may also discourage the use of SOVs by imposing tolls or taxes.

Transportation System Management – A variety of actions and activities designed to make the existing transportation system more efficient.

Urban Area – Any land area within the boundaries of the federally-designated urban areas (population over 5,000) as shown on the official urban-area maps on file at WSDOT.

Urban Growth Area – Areas where urban growth will be encouraged. Growth outside of the urban growth area must be rural in character.

Urbanized Area – An area with a population over 50,000 within boundaries established by the U.S. Census Bureau or by responsible state and local officials in cooperation with each other. There are nine in Washington: Seattle-Everett, Tacoma, Yakima, Spokane, Vancouver, Tri-Cities, Bellingham, Olympia-Lacey-Tumwater, and Kelso-Longview.

Walkway – A continuous way designated for pedestrians and separated from through lanes for motor vehicles by a curb, space, pavement marking, or other barrier.

Wetlands – Lands covered by shallow water or lands where the water table is at or near the surface; includes marches, swamps, bogs, natural ponds, wet meadows, and river overflow.

Begin Book One

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1.A. PURPOSE AND SCOPE OF THE MANUAL

This County Engineers' and Public Works Directors' Manual has been assembled by the County Road Administration Board to serve as a general reference document for both new and veteran county engineers and county public works directors (directors). It reflects many of the issues that engineers and directors encounter on a regular basis as they carry out their assigned duties and responsibilities. As a minimum, a short discussion of various situations is presented and the appropriate RCW or WAC is cited to provide a reference point from which to begin more exhaustive research.

This manual is the outgrowth of CRAB's ongoing orientation program for county engineers, public works directors, and management staff and is based on the original training manual. The orientation program, although primarily directed at newer county engineers and directors, provides 'refresher' opportunities as well as introducing other managers and administrators to the roles and responsibilities of their executives. This more complete and comprehensive manual will serve as the basic reference for future orientation sessions.

The manual is a living document – as new or updated information becomes available, it will be included. We also invite all counties to comment and offer corrections and additions as appropriate.

1.B. WASHINGTON'S TRANSPORTATION ENVIRONMENT

With a total population of over 5.8 million and a land area of 66,582 square miles, the state of Washington is comprised of thirty-nine counties and 279 incorporated cities. Statutory governance of the state is provided through the Revised Code of Washington (RCW) and the Washington Administrative code (WAC).

The Transportation Resource Manual, prepared by Legislative staff, summarizes the state's transportation system like this:

> *"Washington's transportation system is an elaborate network of roads, routes, and runways, governed and operated by public and private entities, and supported through a myriad of funding combinations comprised of federal, state, and local taxes and private capital.*
>
> *The state is responsible for planning, maintaining, and enhancing 7,046 miles of highways that support over 4 million Washington drivers who drove over 52 billion miles in CY 1999. Washington operates 16 airports and provides technical and financial assistance to many others. The state operates a fleet of 29 ferries that carry each year over 11 million vehicles and 26 million passengers. Its state patrol monitors highways, while other agencies license vehicles, help local governments, and manage traffic safety programs.*
>
> *Regional and local governments also have significant responsibilities related to the transportation system. Regional transportation planning organizations (RTPOs) review and coordinate city and county land use and transportation planning. Counties plan, maintain, and enhance 40,407 miles of county roads and cities do the same for 14,130 miles of streets. All city and county governments construct and maintain bridges*

and trails, while some even operate ferry systems. Twenty-six transit systems, which travel throughout their respective regions, operate fixed-route systems and provide transportation for the elderly and disabled. In 1999, these systems provided over 164 million passenger trips. Many of them also coordinate vanpool and carpool programs.

Not all of the transportation system is operated by the government, however. Private companies provide intercity bus and commercial air service, and private trucking firms carry vast quantities of consumer goods and raw materials. They also operate freight rail lines, airports, taxi cabs, and airporters.

Washington depends heavily on federal funding for most of its transportation system. Before the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA), the federal government's programs favored highways and did little for congestion management or air quality. Since then, federal funding has helped Washington's policy makers support multimodal transportation policy plans that are also environmentally sensitive. The Transportation Equity Act for the 21st Century (TEA 21), enacted in 1998, carries forward the ISTEA philosophy and adds three new highway discretionary programs.

Policy makers draw upon almost 60 sources of state funds to support their transportation system; the largest is the motor fuel tax, which provides state and local governments with $700 to $800 million per year. The Legislature appropriates the state's share of this tax money in its biennial and supplemental budgets, and the rest is distributed to local jurisdictions by formula.

The Legislature has also given local governments the authority to raise taxes for their own transportation programs. It has permitted transit agencies to use locally generated tax revenues to match motor vehicle excise tax revenue."

While this provides a comprehensive overview of the state's transportation system, it does little to identify the large role that counties play in the ongoing operation and maintenance of that transportation system.

1.C. THE COUNTIES' ROLE

The state's roadway network totals nearly 79,000 centerline miles, distributed approximately as follows: 7,000 miles of state highways; 40,000 miles of county roads; 13,000 miles of city streets; and 18,000 miles of other roads, including State Park, Indian Reservation, U.S. Forest, and National Park roads.

The primary transportation responsibility of the thirty-nine Washington counties consists of the management of over 40,000 miles of roads and 3,180 bridges (20 feet or longer) in the unincorporated areas across the state. Most of the statutes that address those responsibilities are found in RCW 36.75 through RCW 36.88. Each county must employ a professional Civil Engineer, licensed in the state of Washington, who has "…supervision, under the direction of the board, of establishing, laying out, [and] maintaining all county roads of the county." The County Road Administration Board

provides oversight of the county road departments' adherence to statutory requirements.

A summary of pertinent information about county road department programs and resources is listed below:

1.C.1. Inventory

ROAD MILEAGE	Urban	5,239
	Rural	35,163
	Total	40,402
BRIDGES[1]		3,180

1.C.2. Funding Sources

Funding for county road departments is achieved through a portion of the Motor Vehicle Fuel Tax, local property tax road levies, other local sources such as timber revenues, and several Federal and State grant programs. The following list is generic, since many of the grant programs are competitive among the counties.

MOTOR VEHICLE FUEL TAX (MVFT)
(RCW 46.68.090)

The MVFT, presently 23¢ per gallon, has historically been distributed based on a complex combination of pennies and percentages. In 1999, the state Legislature amended RCW 46.68.090 to simplify MVFT distribution, which is now based on specific percentages of the 23¢ tax.

Formula Distribution (formula based upon mileage, needs, & resources)	**19.2287%**
County Arterial Preservation Program (distributed according to percentage of paved arterial lane miles)	**1.9565%**
Rural Arterial Program (regionally competitive distribution by need)	**2.5363%**
Urban Arterial Trust Account (competitive – counties receive approximately 1.7387% of 23¢)	**7.5597%**
Transportation Improvement Account (competitive – counties receive approximately 1.3050% of 23¢)	**5.6739%**
Total MVFT received by counties (approximate)	**6.16 cents**

LOCAL PROPERTY TAX
(RCW 84.52.043)

Maximum County Road Levy $2.25/$1000 of assessed valuation
(Most counties do not impose the maximum.
See CRAB Annual Report for actual levy amounts)

[1] Defined as structures 20 feet or greater in length.

LOCAL OPTION TAXES
(RCW 82.80)

Several alternatives were granted by the 1990 Legislature for use by local agencies. Three of those available to counties are:

Motor vehicle fuel tax at 10% of the statewide MVFT.
(No counties have implemented.)
Vehicle license fee of up to $15 per vehicle.
(Four counties have implemented at $15.)
Commercial parking tax.
(No counties have implemented.)

FEDERAL AID PROGRAMS

Surface Transportation Program (STP) of TEA-21.
(Revenues are regionally distributed to projects selected by local representatives of all transportation modes.)
Bridge Replacement (BRS/BROS).
(Competitively allocated according to statewide need.)

1.C.3. Programs and Administering Agencies

Grant programs for Washington counties are administered through three agencies: the County Road Administration Board (CRAB) which also oversees road department adherence to statute; the Transportation Improvement Board (TIB); and WSDOT Highways & Local Programs (H&LP) Division. Below is a list of the major transportation funding programs that the counties depend upon.

Fuel Tax Distribution (formula allocation) – CRAB

Rural Arterial Program (competitive) – CRAB

County Arterial Preservation Program (allocation) – CRAB

Urban Arterial Trust Account (competitive) – TIB

Transportation Improvement Account (competitive) – TIB

Transportation Equity Act for the 21st Century (TEA-21) (competitive) – H&LP

Federal Bridge Replacement (competitive) – H&LP

In addition, counties may be eligible to apply for low interest loans from the Public Works Trust Fund.

1.D. THE ROLE OF THE COUNTY ROAD ADMINISTRATION BOARD

1.D.1. Statutory Responsibilities

ORGANIZATION AND MISSION

The County Road Administration Board (CRAB) is a nine-member board organized under the provisions of RCW 36.78.010 through 36.78.110 for the purpose of establishing and administering standards of good practice for county road departments throughout the state and for distributing gas tax revenues to the counties. CRAB is unique in that the Board is composed of six current county commissioners and/or council members and three county engineers all of whom

are appointed by the Washington State Association of Counties (WSAC); thus the legislature allows the counties to regulate themselves. CRAB has a full time staff to accomplish day-to-day functions and to provide information and support to the Board members.

STANDARDS OF GOOD PRACTICE

RCW 36.78 requires CRAB to establish, by rule, Standards of Good Practice for the "administration of county roads and the efficient movement of people and goods over county roads". The current Standards are contained in WAC 136-12 through 136-70. CRAB verifies compliance with the Standards through various reports due throughout the year. In order to help counties to comply with the standards, CRAB staff provides a variety of resources and assistance.

CERTIFICATE OF GOOD PRACTICE

Annually, each county engineer and either the chair of the board of county commissioners or the county executive must certify that the county has operated in compliance with the Standards of Good Practice. Based upon this certification, the annual Bridge Inspection Report, and biennial performance audits, CRAB issues Certificates of Good Practice to the State Treasurer, which allows disbursement of gas tax revenues to the individual counties in the following year.

GRANT PROGRAMS – RAP AND CAPP

In response to evaluations of county road needs, and with support from county commissioners and county engineers, CRAB has been successful in receiving legislative approval and funding for two grant programs – the Rural Arterial Program (RAP) in 1983 and the County Arterial Preservation Program (CAPP) in 1990.

Between these two programs some $28 million per year is made available to counties for the reconstruction of the county rural arterial system and for the preservation of both rural and urban paved arterials.

Specific information on these programs is contained in the revenue section of this manual.

COUNTY ROADLOG AND MVFT DISTRIBUTION

Prior to 1985, the WSDOT was responsible for maintaining the county roadlog. In addition to providing an important data element for the computation of each individual county's share of the Motor Vehicle Fuel Tax (MVFT or 'Gas Tax') by WSDOT, the roadlog information also served as part of the periodic reports furnished to the Federal Highway Administration by WSDOT. Until 1985, WSDOT, through the former State Aid Division (now H&LP) was the state agency responsible for the MVFT distribution to the counties in cooperation with CRAB.

In 1985, with the mutual agreement of both WSDOT and CRAB, the responsibility of maintaining the county roadlog as well as the sole responsibility for the county distribution of the MVFT was legislatively transferred to CRAB. To keep CRAB overhead low and to encourage the counties to take ownership in the

roadlog, CRAB developed a special roadlog software package that enabled each county to maintain its roadlog at its own offices and to send updates annually to CRAB. The roadlog software was installed by CRAB in each county in 1987. CRAB was also able to purchase an appropriate desktop computer for each county to host this software. As a result, CRAB staff effort for the annual roadlog updates and the biennial calculation of the gas tax distribution factors has been kept to a minimum. The original roadlog update software has been greatly expanded and upgraded into the comprehensive County Road Information System (CRIS), which is in use in all counties as a major road management tool. Its successor, Mobility, is nearing release and will provide the opportunity for even better management of the counties' road systems in a highly user-friendly way.

See the Revenue Section for a more detailed discussion of the roadlog and MVFT distribution processes.

CAPITAL FERRY PROGRAM

There are currently four counties that operate their own ferry systems – Whatcom, Skagit, Pierce, and Wahkiakum. Although the state does provide some operational subsidy [RCW 47.56.720 and .725] and regular highway-related grant programs can be used for the landing facilities, actual replacement of the very expensive ferry vessels was without a grant assistance program until 1991 when CRAB received legislative approval for a capital ferry program. Both RCW 47.56.725 and RCW 46.68.090 were amended to permit, with approval by the legislature, a portion of the counties' share of gas tax to be used for a capital ferry grant program. Appropriate administrative rules, contained in WAC 136-400, were adopted by CRAB in 1991 to manage this innovative program.

Any county that owns and operates its own ferry system should become familiar with the above provisions as well as the basic statute under which they operate, RCW 36.54.

1.D.2. Functional Areas and Services

OVERVIEW

The mission of the County Road Administration Board is to preserve and enhance the transportation infrastructure of Washington Counties by providing standards of good practice, fair administration of funding programs, visionary leadership, and integrated, progressive, and professional technical services.

Two of the agency's major functions are to assist counties in complying with the standards of good practice and to support enhanced professionalism in all the county road departments of the state.

EXECUTIVE SERVICES

The CRAB Executive Team includes its Executive Director, Deputy Director, Assistant Director, and Executive Assistant. The Executive Team is responsible, under the direction of the Board, for implementing agency policy and for managing agency staff. They work closely with WSAC and the legislature on all

issues affecting transportation in the State of Washington, and in particular county road programs. Viewing state, county, and city transportation systems as a seamless entity, CRAB interfaces with appropriate agencies and representatives on a continual basis.

At the staff level, CRAB provides ongoing coordination with other city, county, and state organizations and provides a variety of grant programs and information resources to the counties.

Beginning January 2001, in an effort to increase support to the Eastern Washington counties, a senior level staff engineer has been assigned to work out of Spokane.

ENGINEERING SERVICES

The Engineering Services (ES) Division , under the direction of the Deputy Director, includes the Special Projects Manager, Maintenance Manager, Maintenance Systems Engineer, Grant Programs Engineer, and Inventory/PMS Engineer. This small staff, all of whom hold Professional Engineer licenses, is directly responsible for:

- All functions related to the administration of the Rural Arterial Program, the County Arterial Preservation Program, and the Capital Ferry Program;
- All functions related to the maintenance of the county roadlog and the computations and updates to the distribution of the counties' share of the motor vehicle fuel tax;
- Management of the reports and other information necessary for recommendations related to the Annual Certificate of Good Practice for each county.

Other functions of the division include:

- Providing guidance and research on statutory and regulatory issues affecting county road and public works departments;
- Providing assistance in representation of county engineer interests on a variety of state-level committees and task forces;
- Providing design and traffic engineering assistance to counties as requested, including consultant selection assistance;
- Providing liaison services on behalf of county engineers with various state agencies, especially the H&LP Division of WSDOT.

Included in Engineering Services' functions is the provision of transportation planning support. The goal is to keep County Engineers informed of changes in planning requirements that may affect the development of the counties' transportation programs. CRAB has worked directly with counties to assist them in using appropriate levels of technology in developing their plans. In addressing the major issues of the Growth Management Act (GMA), CRAB has presented workshops on level of service standards and concurrency management systems.

To keep abreast of future changes, ES staff participates in various interagency work groups on such issues as least-cost planning methodologies, rural mobility

needs, watershed planning, environmental permitting, telecommunications, and urban design issues.

CRAB acts as a clearinghouse for questions and for the exchange of ideas. With an emphasis on good communication, ES staff has worked with both planning and public works departments as they strive to meet the transportation needs of their counties.

Engineering Services also strives to stay informed and to share information about emerging issues impacting county public works departments. Issues currently meriting such attention are the Endangered Species Act, GASB 34 financial reporting requirements, and asset management. Beginning in 2001, a major focus of the ES Division will be on developing a Maintenance Management System and assisting the counties in its implementation.

A final responsibility of the ES Division is the maintenance and updating of the county Engineers' and Public Works Directors' Manual and the provision of training to County Engineers and their staffs.

INFORMATION SERVICES

The Information Services (IS) Division, under the direction of the Assistant Director, is made up of a team of professionals from the software applications, systems and engineering disciplines. Within the overall mission of CRAB, to ***preserve and enhance the transportation infrastructure of Washington Counties by providing…integrated professional technical services*** and in order to comply with our legislative mandate to ***ensure effective use of technology in the counties****,* the Information Services Division has a specific mission.

The mission of the IS Division of CRAB is to provide the county road departments of the State of Washington with information technology systems, consultation, and support that will make them more effective and efficient and/or improve their working environments.

Our efforts to accomplish this mission are diverse and complex yet could be described in these four areas:

- *Provide engineering design software, training, and support that enable county design personnel to maximize design through enhanced revision and alternative analysis using automated systems.* To accomplish this, CRAB negotiated a master contract with Eagle Point Software of Iowa. Through this contract CRAB purchased the first 183 licenses for this state-of-the-art civil engineering design software for Washington Counties and continues to make further licenses available for about one-tenth the list price. A design engineer is on staff at CRAB to provide support beyond that which **Eagle Point** provides and to offer free training and consultation to county staff on the design discipline and design software.
- *Develop and provide management systems software, training, and support that make the best use of technology to preserve infrastructure investment,*

automate tedious tasks, suggest management strategies, and ensure consistency, equity and informed decisions in the business of road departments. In the mid-1980's, CRAB developed an application called the County Road Information System (**CRIS**). Although **CRIS** has been an effective management tool in our counties for at least 15 years, it was developed on yesterday's technology and so CRAB has developed a replacement for **CRIS**, called **Mobility**, using tomorrow's technology. **Mobility**, like **CRIS**, inventories your road system and all of its appurtenances, as well as having management systems for pavement, maintenance, safety, and more. In the coming years **Mobility** will respond to the ever changing needs and challenges of our county road departments.

- *Initiate and foster forums, conferences, workshops, and other venues of networking and communication that encourage the sharing, cooperative, and synergistic environment our county road departments enjoy across the state.* Our staff, though very accomplished and professional, doesn't have all the answers or even know many of the questions. CRAB, because of its structure (unique in the nation), has become a "pipeline" of information between the counties and other transportation entities. CRAB staff not only creates opportunities for the exchange of information and solutions but also represents our counties' interests at numerous venues where county personnel are not always able to attend.
- *Provide a timely, useful, and unique response to special county needs where information technology solutions apply.* CRAB provides solutions to the uncommon problems that arise in Washington counties. When a county does not have access to specific information or expertise needed to solve a problem or when they have a temporary lack of resources, they can call on CRAB for assistance.

CRABOARD MEMBERS – EFFECTIVE JULY 1, 2001

Member		Term
Commissioner Don Scheibe Asotin County 1632 Lambert Drive Clarkston WA 99403	Phone: (509) 243-2060 Fax: (509) 243-2005 E-mail: dscheibe@home.com	June 2003
Council Member Harold Moss Pierce County Council District 4 930 Tacoma Avenue South Tacoma WA 98402	Phone: (253) 798-7774 Fax: (253) 798-7509 E-mail: hmoss@co.pierce.wa.us	June 2003
Randy Casteel, P.E., County Engineer Kitsap County Public Works 614 Division Street, MS-26 Port Orchard WA 98366-4699	Phone: (360) 337-7121 Fax: (360) 337-4867 E-mail: rcasteel@co.kitsap.wa.us	June 2003
Commissioner Dave Carey Walla Walla County PO Box 1506 Walla Walla WA 99362	Phone: (509) 527-3200 Fax: (509) 527-3235 E-mail:	June 2004
Commissioner Dean Burton Garfield County PO Box 278 Pomeroy WA 99347	Phone: (509) 843-1391 Fax: (509) 843-3941 E-mail: dnburton@pomeroy-wa.com	June 2004
Ken Stone, P.E., County Engineer Cowlitz County Public Works 207 North 4th Kelso WA 98626-4189	Phone: (360) 577-3030 Fax: (360) 636-0845 E-mail: stonek@co.cowlitz.wa.us	June 2004
Commissioner Tim Snead Grant County 35 C Street NW Ephrata WA 98823	Phone: (509) 754-2011 x428 Fax: (509) 754-6098 E-mail: tsnead@grantcounty-wa.com	June 2002
Commissioner Robert Imhof Whatcom County Council District 3A 311 Grand Avenue Bellingham WA 98225	Phone: (360) 676-6690 Fax: (360) 738-2550 E-mail: bimhof@co.whatcom.wa.us	June 2002
Robert Breshears, P.E., County Engineer Lincoln County Public Works 27234 SR 25 North Davenport WA 99122-0368	Phone: (509) 725-7041 Fax: (509) 725-4467 E-mail: bbreshears@co.lincoln.wa.us	June 2002
Steve Dietrich, CRAB Attorney 905 Plum Street, Building 3 PO Box 40113 Olympia WA 98504-0113	Phone: (360) 753-4963 Fax: (360) 586-6847 E-mail: steved@atg.wa.gov	

FIGURE 1-1

ORGANIZATION CHART

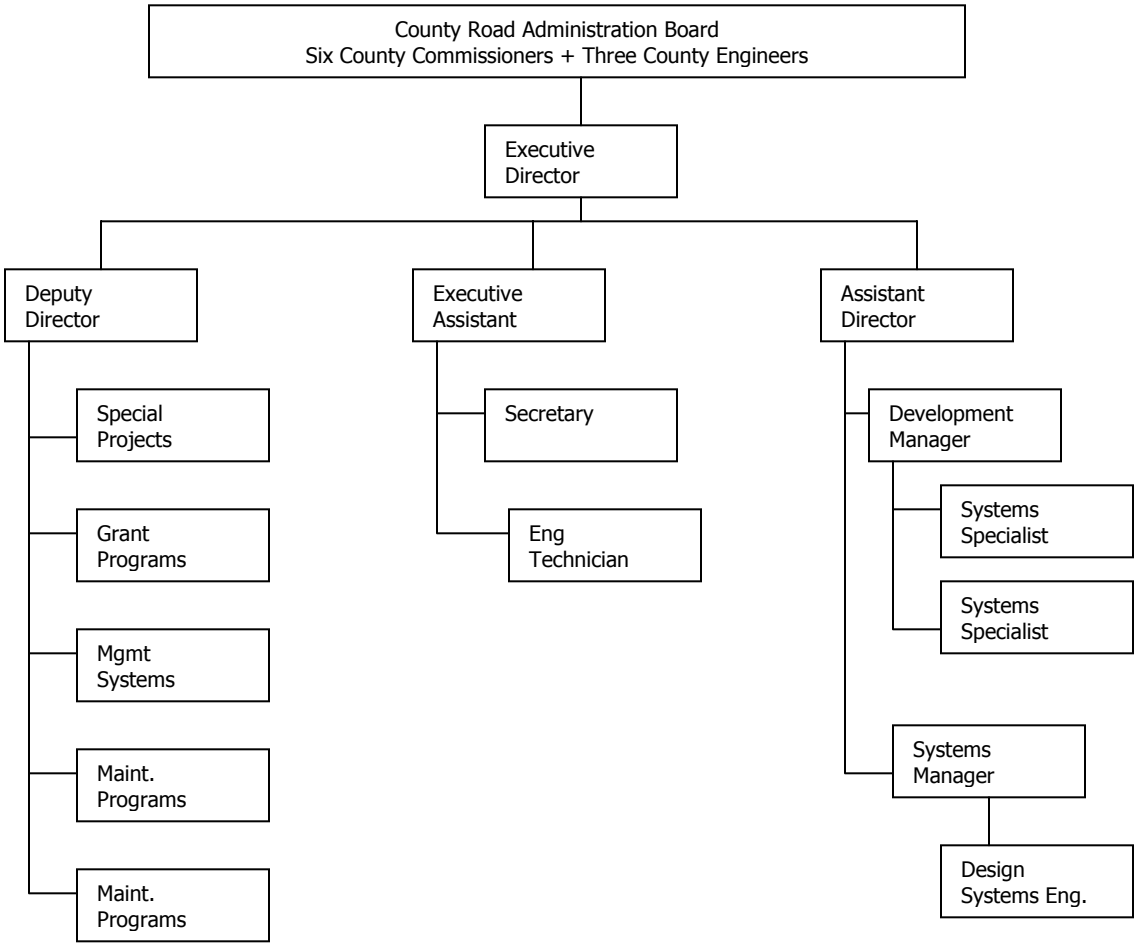

FIGURE 1-2

CRAB STAFF

Dial
(360) 753-5989
OR
(360) 664-3299 for Auto Attendant and enter extension

Name	Extension	E-mail
Armstrong, Jay	230	jay@crab.wa.gov
Ayres, Jim	242	jima@crab.wa.gov
Cox, Toni	221	toni@crab.wa.gov
Dickson, Dan	241	dan@crab.wa.gov
Freier, Brett	222	brett@crab.wa.gov
Giacolone, Jim	244	jim@crab.wa.gov
Hart, Randy	232	randy@crab.wa.gov
Heinemeyer, Cheryl	220	Cheryl@crab.wa.gov
Hillesland, Steve	240	steve@crab.wa.gov
Mudgett, Chris	231	chris@crab.wa.gov
Oyler, Jim	243	jimo@crab.wa.gov
Olsen, Walt	235	walt@crab.wa.gov
Pearson, Larry	236	larry@crab.wa.gov
Pendleton, Karen	223	Karen@crab.wa.gov
Weber, Jay	224	jayw@crab.wa.gov
Whitcher, Dave	234	dave@crab.wa.gov

FIGURE 1-3

2.A. INTRODUCTION[2]

Counties existed during Washington's territorial days in the mid- to late-1800's and were recognized in the state constitution adopted in 1889. In Washington, the county was and still is the unit of local government which serves and governs all of the people who do not live in incorporated cities or towns. There are some services and functions that the county provides inside incorporated cities as well.

Historically, the role of counties has been to serve as an administrative arm of the state – maintaining records, providing courts and law enforcement, building roads, assessing property and collecting taxes, and conducting elections. Counties still perform these functions, as well as others, through full-time elected officials including a board of county commissioners (or council members and an executive in charter counties), a sheriff, judges, assessor, treasurer, prosecutor, auditor, superior court clerk, and coroner or medical examiner. In noncharter counties, the commissioners function as both the legislative and executive body.

Today, there are 39 counties in Washington ranging in population from 2,400 to over 1.6 million. Of the 39 counties, 34 operate under the commission form of government provided by state law. Five of the counties have adopted "home rule" charters as provided for in the state constitution and legislation enacted in 1948. The five home rule charter counties are Clallam, King, Pierce, Snohomish, and Whatcom.

2.B. COUNTY FORMS OF GOVERNMENT[3]

Article XI, §§ 4 and 5 of the state constitution authorizes the legislature to create a uniform system of government for counties. State law relating to counties is generally collected in Title 36 RCW. The uniform plan of county government provided by state law is the three-member commission form.

The constitution was amended in 1948 to provide counties the option of adopting a "home rule" charter. Adoption of a home rule charter allows a county to choose a different form of government from the commission form specified by statute. Finally, Article XI, § 16 was added to the state constitution in 1972 to provide the option of a consolidated city-county government. Although some of the larger cities and counties have considered this option, no consolidated city-county governments have yet been created in Washington State. Fully understanding county government also requires knowledge of the independent county elected officials provided for by the constitution and statutes.

2.B.1. Commission Form of County Government

The form of government for counties provided in state law is the commission form. All noncharter counties <u>must</u> adopt this form of government. The only method by which a county can entirely change its form of government is to adopt a "home rule" charter. There are some population-based differences in

[2] From Municipal Research & Services Center, Seattle WA.
[3] Ibid.

the state laws governing counties, but the commission form of government is the same for all 34 noncharter counties.

The commission form of county government is often referred to as the "plural executive" form of government. It is the oldest and most traditional county organizational structure. The county governing body consists of a board composed of three commissioners who serve as the legislative body and also perform executive functions. Counties with populations greater than 300,000 may increase the size of the commission from three to five members. No single administrator or executive oversees the county's operations under the commission form of government.

The board of county commissioners shares administrative and, to some extent, legislative functions with the independently elected county officials, including a clerk, treasurer, sheriff, assessor, coroner, and auditor (or recorder). Other independently elected county officials and court officers include the county prosecuting attorney and the judges of the County Superior Court. Although the county commissioners establish the budget and act as the county legislative body, the independent nature of the other county elected officers make county government quite different from other forms of municipal government that have separate legislative and executive branches. The number of independent, elective county officers provided for in the constitution and state law is a distinguishing feature of county government.

2.B.2. "Home Rule" Charter Form of Government

Article XI, § 4 of the state constitution was amended in 1948 to provide the option for counties to adopt "home rule" charters to provide their own form of government. This home rule provision does not change the role and authority of counties, but it does allow counties to provide for their own form of government different from the commission form prescribed by state law. By adopting a home rule charter, county voters can provide for appointed county officers to perform county functions performed by independent elected officials in noncharter counties and can change the names and duties of the county officers prescribed by the constitution and state law. Home rule charters may not, however, change the elected status and duties of the county prosecuting attorney or superior and district court judges, or the jurisdiction of the courts.

AUTHORITY AND FORM OF GOVERNMENT OF A HOME RULE CHARTER COUNTY

Home rule charter counties have broad authority to provide for purely local governance issues. The State Supreme Court has ruled, however, that, under the state constitution, county home rule charter rights are subordinate to express state law requirements that go beyond matters of local concern. The court has concluded that the state constitution expressly relegates county home rule charters to an inferior position vis-à-vis "the constitution and laws of this state" where the matter involves public policy of broad concern, expressed in general laws.

After adoption of a charter, the powers, authority, and duties of county officers provided for by state law are vested in the county legislative authority, unless

the charter expressly assigns powers and duties to a specific officer. The duties of the board of county commissioners and other elected officers may also be modified by charter. The board of commissioners and other elected officers may be entirely replaced, subject to certain restrictions.

HOME RULE CHARTER OPTION FOR POWER OF INITIATIVE AND REFERENDUM

Another reason for adopting a home rule charter is to provide the powers of initiative and referendum to the citizens of the county. All charter counties have provided for initiative and referendum powers.

Legislation was proposed in the 1997, 1998, and 1999 legislative sessions which would have allowed the board of county commissioners in noncharter counties to similarly authorize the use of initiative and referendum without the need to adopt a home rule charter. However, none of these proposals have been adopted.

2.C. INDEPENDENTLY ELECTED OFFICIALS[4]

Counties differ significantly from cities in the number of independently elected officials with unique constitutional and statutory responsibilities. Although home rule charter counties have the ability to change the status and function of some of the county elected officials, certain limitations are provided in the state constitution. Counties are run by full-time elected officials including commissioners (or council members and an executive), assessor, auditor, superior court clerk, coroner or medical examiner, prosecuting attorney, sheriff, and treasurer.

It is imperative, especially in traditional, noncharter counties, for the county engineer to have a positive working relationship with all of the elected officials. Following is a brief introduction to the responsibilities of the separately elected officials whose duties may have an impact on the road department.

2.C.1. **Assessor** [RCW 36.21]

The primary responsibility of the county assessor is to determine the value of all taxable real and personal property in both the incorporated and unincorporated areas of the county for the purpose of determining the tax liabilities of the taxpayers in the various taxing districts in an equitable manner. The county assessor generally maintains the tax assessor's parcel maps and legal descriptions of tax parcels as well as other records relating to property valuation. The County Engineer can expect to interact with the Assessor's Office regarding GIS issues.

2.C.2. **Auditor** [RCW 36.22]

The county auditor has a broad range of duties and responsibilities involving specific statutory functions and county financial administration. The auditor examines and audits county financial records and may prepare the preliminary county budget for the board of county commissioners. The auditor also has functions relating to special districts. Other functions and duties of the county auditor vary among counties, and the auditor's role in county financial

[4] Municipal Research & Services Center, Seattle WA.

administration is often revised in charter counties. Many of the auditor's statutory duties are not associated with county finance.

The primary statutory responsibilities of the county auditor are: (1) recording (recording of real property documents such as deeds and other recorded documents); (2) licensing (licensing, titling, and registration for motor vehicles and watercraft, issuing various licenses such as marriage and business licenses, and acting as agent for the state Department of Revenue in collecting certain fees and taxes); (3) elections and voter registration (acting as ex-officio supervisor of elections and administering voter registration and elections); (4) county financial audit and administration (duties may include auditing county expenditures, serving as ex-officio supervisor of the State Auditor's Office Division of Municipal Corporations, preparation and administration of the county budget, and other county fiscal management functions); and (5) clerk of the board of county commissioners (if the board of commissioners does not reassign that function).

Interaction of the County Auditor's Office and the road department usually occurs in the areas of budgeting, budget cost controls, and internal auditing as well as issues relating to the recording of documents.

2.C.3. **Prosecuting Attorney** [RCW 36.27]

The county prosecuting attorney has major responsibilities as the legal representative of the state and counties in actions and proceedings before the courts and other judicial officers. The prosecuting attorney is the legal advisor and attorney for all county elected and appointed officials. The prosecuting attorney prosecutes violators of state law and county code in the county superior and district courts and appears for and represents the state and county in other types of criminal and civil actions. The prosecuting attorney represents the county whenever the county is a party to a legal action and acts as general legal advisor to all county officers. The state legislature has restricted the ability of the board of commissioners or county council to contract with any other attorney to perform any of the functions of the prosecuting attorney and any contract must be approved by the presiding judge of the county superior court.

The office of prosecuting attorney is unique among county elected officials in that the elected status and authority and responsibility of the prosecuting attorney cannot be changed by county "home rule" charter. The prosecuting attorney has the same role in charter and noncharter counties.

The prosecuting attorney's office provides general legal advise to the County Engineer and/or Public Works Director and represents the department in legal actions when necessary.

2.C.4. **Sheriff** [RCW 36.28]

The county sheriff is the chief executive officer and conservator of the peace of the county. The sheriff has a number of duties relating to: (1) law enforcement and public safety, (2) jails and confinement facilities, and (3) civil functions for

the court system. Counties have the option of creating a department of corrections to be in charge of the county jail rather than the sheriff. Many county sheriffs are involved in county emergency services functions, and a sheriff may serve as the Director of Emergency Services for the county.

The Sheriff can be an important ally for the road department when it comes to accident investigations and speed limit enforcement. In addition, sheriff's deputies are often called upon to provide traffic control at county construction sites and to provide enforcement of county weight restrictions and other commercial vehicle regulations.

2.C.5. Treasurer [RCW 36.29]

The county treasurer is the custodian of the county's money and the administrator of the county's financial transactions. In addition to services for the county, the county treasurer provides financial services to special purpose districts and other units of local government, including the responsibility to receipt, disburse, invest, and account for the funds of each of these entities. The county treasurer is also responsible for collection of various taxes, including legal proceedings to collect past due amounts. The county treasurer has other miscellaneous duties such as conducting bond sales and sales of surplus county property.

2.C.6. County Executive

The elected office of county executive exists only in the four charter counties (King, Pierce, Snohomish, and Whatcom) that have adopted "home rule" charters providing for a council-executive form of government. There are no constitutional or state statutory provisions addressing the position of county executive. The authority and duties of the county executive can only be determined by a review of the individual county charters. In general, counties adopting the council-executive form of government have a county council that serves as a legislative body establishing policy and an elected executive responsible for the implementation of council policies and the day-to-day administration of county government functions and services. Administrative functions performed by the board of county commissioners in noncharter counties are delegated to the county executive in the charter or by individual council ordinances and resolutions codified in the county code.

Some noncharter counties operating under the commission form of government have created the appointed position of county administrator. The County Administrator works directly for the Board and often takes the lead in preparing the budget. In addition, he/she may manage, under direction of the Commissioners, the employees who work in departments that report to the Board.

2.D. COUNTY COMMISSIONERS/COUNTY COUNCILS

The board of county commissioners (or, in most "home rule" charter counties, the county council) is the legislative authority for the county. The county commissioners also serve as the chief administrators for most county operations. In the four charter

counties with a council-executive form of government, the county council is the legislative authority, and most administrative functions have been assigned by charter to an elected county executive. Depending upon the county charter and ordinances, the county council or board of commissioners may also have quasi-judicial duties, such as hearing appeals of local land use decisions. Some county commissions and councils have established a hearing examiner system and appoint a hearing examiner to hold hearings on quasi-judicial land use matters.

The commissioners or council members adopt ordinances, resolutions, and motions; levy taxes; appropriate revenue; and adopt the final budget for the county. The legislative body generally confirms appointments to county boards and commissions. The commissioners or council members generally appoint the members of the boundary review board and planning commission in counties that have created this board and commission. The commissioners can also sit as the board of equalization (basically the county board of property tax appeals) to review disputed assessments.

The commissioners have direct responsibility over the road department per RCW 36.32.120(2) which states that they are responsible to

> *"…lay out, discontinue, or alter county roads and highways within their respective counties, and to do all other necessary acts relating thereto…except within cities and towns which have jurisdiction over the roads within their limits."*

and RCW 36.32.120(4) which states that they are responsible to

> *"…fix the amount of county taxes to be assessed…and cause the same to be collected…"*.

RCW 84.52.043 provides a means for the commissioners to perform a "levy shift", which allows them to increase the general levy and decrease the road levy. In addition, RCW 36.33.220 allows the commissioners to spend tax money anywhere they desire for any service to be provided in the unincorporated part of the county and RCW 36.82.040 allows for the diversion of road levy funds into the general fund. In short, the commissioners are responsible for the roads in the county and they have the ability to move taxes collected expressly for county roads to other uses. These issues are more fully discussed in Section 3 – Fiscal Issues.

The commissioners have responsibility for all county functions not under the auspices of the separately elected officials, i.e., general county government as needed to effectively and efficiently run the county. In the more rural counties, the road department is usually the largest, most dominant department. Planning, building, and even health may be small in size, personnel, and budget; and parks may not exist as a separate department. In the urban and growth counties, planning and/or growth management is of increasing importance. As a result of growth, the permit process which includes environmental health, development permits, and even building permits becomes a larger function. Law and justice problems may be overwhelming. In the urban counties, other public works functions may become larger. Stormwater, solid waste, sewer & water, and possibly Geographic Information Systems (GIS) may even be separate departments.

Commissioners respond to complaints and, as counties urbanize, the primary complaints shift from potholes and gravel roads to congestion, the permit process, and law and

justice. The basic organization of the county government will vary depending on which issues are of primary importance in a county or how the commissioners believe they may best respond to the citizens' needs. Within the 39 counties, there are many different organizational structures. Very common is a public works department in which roads is one of several divisions. Sometimes there is a public services department in which public works is combined with planning and even environmental health. Often, the road department stands alone. Similarly, the technical qualifications of a director of public works or public services may not be the same as those of a county engineer. In some cases, especially in the more rural counties, the Public Works Director may be the Chief Administrative Officer (CAO) for the county. In any event and in all counties, the commissioners struggle to provide the best quality service at the least cost, and with the fewest number of employees.

In RCW 36.75, the direct responsibilities of the commissioners toward roads are even more clearly defined. Specifically, the county engineer is the agent of the board in road matters. All road activities are under the supervision and direction of the county engineer. The county engineer is an office of record for all proceedings, surveys, maps, etc. pertaining to roads.

2.E. PUBLIC WORKS DIRECTORS

As discussed in 2.D., the commissioners have the ultimate responsibility for roads, and RCW 36.75 clearly states that the county engineer is the agent of the commissioners in accomplishing their responsibilities in road matters. The county engineer or county road engineer is a specifically defined position with specific qualifications and responsibilities. [RCW 36.80]

Depending upon the structure of county government, the county engineer may report directly to the commissioners, or the county engineer may be part of a larger public works or public services department reporting to a director who in turn reports to the commissioners. Often a director of public works or public services is hired as a manager or administrator and does not have specific technical engineering expertise. The position of director of public works is not defined in state statute but is often created more for organizational efficiencies. RCW 36.75.010(5) states that the term "county engineer" includes the county director of public works when defining general responsibilities for roads and bridges.

The relationship between the county engineer and the public works director may create an interesting situation where the engineer has specific duties and responsibilities defined in the RCW, along with the professional license for liability, and must accomplish these duties for the commissioners while supporting the director. The Public Works Director usually handles the administration, fiscal support, and personnel issues for the department. This can work well for the engineer, freeing him/her to concentrate on the road issues.

2.F. COUNTY ENGINEERS

Unlike "Public Works Director", "County Engineer" (or "County Road Engineer") is clearly defined in the RCW and – in most counties – the duties and responsibilities of the County Engineer go beyond what is specified in statute.

2.F.1. Legal Issues and Responsibilities

LICENSING/BONDING/PERSONAL LIABILITY

- **Licensing:** Since 1937, the State of Washington has required that a person filling the position of County Engineer must be "…a registered and licensed professional civil engineer under the laws of the state, duly qualified and experienced in highway and road engineering and construction". [RCW 36.80.020] State law is specific as to the employment of county engineers. RCW 36.80.010 states:

  "The county legislative authority of each county with a population of eight thousand or more shall employ a full-time county road engineer. The county legislative authority of each other county shall employ a county engineer on either a full-time or part-time basis, or may contract with another county for the engineering services of a county road engineer from such other county."

- **Bonding:** Each county has the discretion to decide if a "performance bond" should be required of its County Engineer. RCW 36.80.020 is explicit:

  "Before entering upon his employment, every county road engineer shall give an official bond to the county in such amount as the board shall determine, conditioned upon the fact that he will faithfully perform all the duties of his employment and account for all property of the county entrusted to his care."

  In the majority of the counties, there is no bonding requirement and the county assumes all liability for the engineer.

- **Personal Liability:** One important aspect of serving as a county engineer is the issue of personal liability. Candidates should ascertain if the county provides "errors and omissions" coverage for actions performed in their official capacities.

Another area of potential hazard is one of violation of the Board of Registration rules governing licensed professional engineers. All engineers, and County Engineers are no exception, should become familiar with the statutory language in RCW 18.43 as well as the administrative rules in WAC 196.

VACANCIES

From time to time it will become necessary to replace a county engineer due to retirement, death, or other reasons. The statutes do not make any special provisions regarding a vacancy in the county engineer position. WAC 136-12, one of the earliest Standards of Good Practice, outlines a required replacement process. This WAC requires a county to begin the replacement process, whether from inside the department or by outside recruiting, immediately and to notify CRAB of the vacancy and the replacement process being used. Frequently a replacement cannot be secured immediately; therefore, a county may designate the assistant county engineer or another department employee as the acting county engineer for a period not to exceed six months. WAC 136-12-030 provides a means for extending this time limit if necessary. If the acting county

engineer is a Washington state licensed professional civil engineer, then he/she may perform all the regular duties of the county engineer. If not licensed, the legislative authority must designate some other licensed civil engineer to perform all the engineering duties during the interim period with the acting county engineer performing only those functions not requiring a professional civil engineer's license.

GENERAL AUTHORITY – ROADS

The primary statutory responsibility of the county engineer is roads. In addition to the duties set forth in RCW 36.80.030, there are innumerable other places in statute that reference a myriad of other duties and authorities discussed in the remainder of this section. RCW 36.80.030, "Duties of engineer" states:

> *"The county road engineer shall 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, and perform such other duties as may be required by order of the board.*
>
> *He shall have supervision, under the direction of the board, of establishing, laying out, constructing, altering, improving, repairing, and maintaining all county roads of the county."*

In matters relating to roads, the county engineer is the chief operating officer acting on behalf of the Board of County Commissioners or the County Council. Incumbents should be very familiar with RCW 36.75, which contains general provisions related to roads and bridges. Particular assignments of responsibility are contained in RCW 36.75.020, .040, and .050. The broadness of this "assignment of power" is particularly clear in RCW 36.75.050, which says in part:

> *"The powers and duties vested in or imposed upon the boards 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."*

SURVEYING

Prior to 1937, each county had an elected County Surveyor. The issues of county roads and the role of the county engineer were completely overhauled in 1937, and the position of county surveyor vanished.

Unless a county engineer is also licensed as a land surveyor in the state of Washington, he/she may not practice the profession of surveying as described in RCW 18.43. This does not, however, prohibit the county engineer and his/her staff from performing such "surveying" as may be necessary for the development of plans – including defining road rights-of-way and easements – related to his/her official duties. In these cases, surveying does not constitute establishment of monumentation or division of lands, which is solely the purview of the licensed land surveyor.

Should any official monumentation be disturbed or destroyed by work done under the authorization of the county engineer, it must be appropriately reset as per RCW 58.09.130.

Several counties do have licensed surveyors on staff in the road or public works department and their expertise can be put to good use, especially on right-of-way matters. Licensed surveyors on staff are an excellent resource for the development of Geographic Information Systems (GIS). Should the county engineer need professional surveying services and not have such a person on staff, a local firm or individual can be contracted with as necessary under the provisions of RCW 39.80, "Contracts for Architectural and Engineering Services".

PLATS AND SUBDIVISIONS

RCW 58.17.110 requires that the legislative authority, before approving any subdivision, assures that appropriate provisions are made for public health, safety, and welfare, including – among a lengthy list – "…streets or roads, alleys, other public ways,…sidewalks and other planning features.…"

RCW 58.17 also provides the county engineer certain authorities and responsibilities in the platting process. These authorities and responsibilities are further specified in each individual county's platting or subdivision ordinance and may vary substantially from county to county. The county engineer should become familiar with both the statute and the related ordinances of his/her county.

This issue is discussed more completely in Section 5.D. – Land Development.

TRAFFIC

One of the primary, highly visible, and technically exacting responsibilities of most county engineers is that of traffic control. In this context, it means acting on behalf of the county legislative authority (the "local authority" of the enabling statute RCW 47.36.060) to "…place and maintain such traffic devices upon public highways under their jurisdiction as are necessary to carry out the provisions of law or local traffic ordinances or to regulate, warn, or guide traffic."

Many counties have adopted, in part or in total, the Washington Model Traffic Ordinance, which simplifies and standardizes a wide variety of traffic control issues. It also establishes the position of Traffic Engineer and defines the responsibilities of that position.

This issue is discussed more completely in Section 5.B. – Traffic Engineering.

LEGAL REPRESENTATION/COUNTY PROSECUTOR

- **The Prosecuting Attorney:** In the normal course of conducting the business of the road or public works department, questions about legal responsibilities, authorities, and procedures will occur. The legal authority in the county is the office of the Prosecuting Attorney.

RCW 36.27.020 sets forth the duties of the prosecuting attorney:

> *"1) Be legal advisor of the legislative authority, giving them [it] his or her written opinion when required by the legislative authority or the chairperson thereof touching any subject which the legislative authority may be called or required to act upon relating to the management of county affairs;*
>
> *2) Be legal advisor to all county…officers…in all matters relating to their official business, and when required draw up all instruments of an official nature for the use of said officers;*
>
> *3) Appear for and represent the…county…in all criminal and civil proceedings in which …the county…may be a party."*

- **Getting Legal Advice:** When legal advice is needed, the prosecuting attorney's office is the place to go. Typically, the advice being sought relates to civil, rather than criminal, law and among the staff of the prosecuting attorney is one or more civil deputies who will deal with these questions and concerns. In larger counties, the public works department may have its own, specially assigned civil deputy who works exclusively on public works issues.

  Prosecuting attorneys and their deputies are busy people, and they may not have an extreme depth of knowledge about road and public works issues. Before approaching them it is a good idea to do the background work on the issue in question. The reason for this is twofold: First, the more thoroughly you research your issue and assemble the appropriate references and citations, the more likely you will get both a quick response and the answer you expect. Simply tossing out the question, 'Can I …?' will often get you an equally simple 'no'. Second, an important part of any county engineer's education is a good working knowledge of both Washington State statutes (the RCW) and Washington Administrative Code (the WAC). This is not to suggest that any attempt should be made to be one's own legal authority, but it will help you as a manager and administrator and it may even endear you to your prosecuting attorney.

- **CRAB Services:** Over the years, CRAB has accumulated a wealth of information including interpretations of statutes and other formal and informal legal opinions. CRAB staff members are <u>not</u> lawyers and we don't give definitive legal advice, but we may be able to offer some help in understanding issues and the context of problems or, at the very least, we can often direct you to someone who can answer your questions. Should a question or issue of statewide concern be brought up that falls within CRAB's areas of responsibility, CRAB does have its own assigned legal counsel from the State Attorney General's Office who can research an issue and provide an opinion.

- **You and Your Board:** A cautionary note: legal issues can easily get you into serious conflict with the board of county commissioners. Many county commissioners, especially those recently elected, are not familiar with the legal constraints and requirements that the county engineer is obligated by

statute to follow. You may be directed to do something that is, in your opinion, neither ethically nor legally permissible. When these situations occur (and they will occur from time to time), you may respectfully disagree and suggest that the board seek the advice of the prosecuting attorney. Do not engage your board in an argument over the law! Neither you nor they are attorneys.

- **When You are Sued:** From time to time, in the normal course of doing the job of county engineer, someone (and this includes state and federal regulatory agencies) will be sufficiently upset with you and/or your department to bring suit. As soon as you think someone will bring suit over something your department has or has not done, you should advise your board so they will not be surprised. If the suit does materialize, it is important that both the board and the prosecuting attorney be brought on board. (One more reason for being familiar with the statutes and regulations that affect the road department is to be able to avoid most of the things that do get you in trouble.)

- **A Final Comment:** Within the structure of the statutes and accompanying administrative regulations, both at the state and federal level, CRAB has observed a wide variety of "attitudes" among the county engineers over the years. Some will run their departments very aggressively, pushing regulatory agencies and others to – and occasionally past – the limits of their endurance. Others have been reluctant in the extreme to do anything that could possibly be construed as "pushing the envelope". Each county engineer must find his/her own comfort level, but a certain amount of assertive action is an important part of the pattern of strong leadership that is essential to the successful county engineer.

2.F.2. As A Public Official

RELATIONS WITH THE BOARD OR COUNCIL, ADMINISTRATORS, EXECUTIVES AND PUBLIC WORKS DIRECTORS

Across the state there is wide variety in both the position and authority of county engineers. In many cases, they report directly to the Board of County Commissioners. In others, there is a Public Works Director to whom they report. Home rule or charter counties will have an appointed or elected county executive or administrator who reports to a multi-member, elected council and often has been vested with many of the authorities of the more traditional Board. In several cases, the County Engineer and Public Works Director positions have been combined into a single position. One universal truth remains – the County Engineer "…serves at the pleasure of the board". History is replete with examples of people who have learned this truth the hard way.

The secret to achieving harmonious and productive relationships with boards, councils, executives, administrators, and/or public works directors is simple. It merely requires having the following attributes: competence, integrity and judgment, reliability, and communication skills.

- You must be competent in your job. In other words, you must be properly qualified and capable. This does not necessarily mean that you are the most skilled engineer in your department, but it does mean that you are highly skilled as a manager and an administrator – you chiefly achieve your department's mission through others. You need to know what your staff does, even if you are not an expert in the how of getting it done.

- You must have both personal and professional integrity and judgment. Weaknesses in these closely related attributes of the successful county engineer have been the downfall of many an otherwise good man or woman. Having integrity means that you have a standard of values and you adhere to them. It is a form of honesty related to both you and the people you work with. Judgment is defined as having the capacity to make sound and reasonable decisions. It is a close relative of common sense. The day-to-day work of the county engineer may generate either frequent or occasional situations in which you believe your integrity is being assaulted by a higher authority's direct or indirect orders. In truth, for the experienced county engineer, these situations are rarely irreconcilable – and at this point, it is your good judgment that will see you through.

- Reliability is nothing more than being dependable - doing what you say you will do when you say you will do it. Also implied is an evenness of temperament in your dealings with others. In the "heat of battle", it is easy to agree to an accomplishment that, upon reflection, you know cannot be done as expected. Take a little time to be thoughtful before you commit. The alert reader will also see the connection to the previously discussed integrity and judgment.

- One of the most tiresome and overused words nowadays is communication – but it is still important! Huge numbers of books, articles, seminars, etc. have been produced on this subject, but it can still be a stumbling block for the county engineer who does not have the necessary skills. You may be competent, have integrity and judgment, be reliable, and have all the other human virtues, but if these cannot be effectively communicated they will not count for much. The reality of communication failure, however, is in the inability to listen effectively. A good investment for a county engineer is to periodically take a "refresher" on effective communication.

- If you can develop the above 'critical dimensions', you will probably inspire trust among those with whom you work. Webster's defines "trust" as "Total confidence in the integrity, ability, and good character of another". It is essential that you are trusted by your board or executive or public works director. If they do not trust you, no one will be a winner in the relationship – especially you.

RELATIONS WITH OTHER COUNTY OFFICIALS

An important point to remember in county government is that it is not structured in a traditional, hierarchical business-like manner. That is, all power and authority does not flow down from the top. County government is composed of

an elected legislative authority (the Board or Council), several independently elected officials (sheriffs, auditors, etc.), plus judges, who have both independent and interconnected relationships. This results in a strange mix of checks and balances as well as built-in inefficiencies – all hallmarks of our republican form of government. Furthermore, counties are "agents of the state" with all the responsibilities and limitations inherent in that relationship.

There are several other county officials with whom you may do business, needing both their help and especially their cooperation. The separately elected officials have been discussed in a previous section. Depending upon the size and complexity of the county, there also may be several appointed officials. Those may include the heads of the county planning department and the planning commission, building code enforcement, health department, public transit authority, solid waste department, central services department, purchasing department, parks and recreation department, stormwater management department, information services, and perhaps even others.

The point is that there is a multitude of both elected and appointed officials with whom you must do business from time to time. It pays to understand what they do, the nature of the relationship between your duties and responsibilities and theirs, and how you can mutually help, or hinder, each other. Effective county government is a team effort.

RELATIONS WITH THE PUBLIC

In these modern and enlightened times, does there breathe the county engineer who does not know the value of good public relations? A sometimes unpleasant surprise to the new county engineer is the high visibility of the position, especially in the smaller counties. Everything you do, both public and private, is open to review and criticism from the public. You must conduct yourself and your department as if everything you do will end up on the front page of the daily newspaper (and sometimes it does!).

To be successful in your public relations, the same qualities that you project in your relationship with your Board are essential. Although it is impossible to keep all of the public happy (or at least non-antagonistic), how you conduct yourself as a department head is critical. You have a responsibility to run an open department, providing information to the public regarding current activities and, perhaps more importantly, future activities. Road issues and road management policies affect virtually all citizens.

Methods for informing the public and receiving comments from the public are vital to the effective operation of any department. The public always deserves a sympathetic ear, and every complaint should receive a timely response. Frequently, public complaints are first voiced to a county commissioner or councilperson. It is strongly encouraged that a clear process be set up for referral of such road-related complaints to your office for response (with a copy of the response going back through the original recipient).

It is recommended that the county engineer develop and institutionalize throughout the department policies and procedures to insure continuous, two-way communication with the public. In recognition of the importance of investigating and responding to complaints from the public, CRAB has instituted a Standard of Good Practice that requires all counties to have, at a minimum, a written policy for handling complaints. [WAC 136-10-050(3)]

RELATIONS WITH THE MEDIA

Effective and positive media (i.e., newspaper, radio, TV) relations are also important to a public works or road department. One thing you can be sure of – the media is interested in what you do, especially when it appears to be controversial. Virtually anything that has a public impact or is of public interest is potential media material. In most counties, the media is in regular attendance at the County Commissioners' meetings including your regular sessions.

You can expect that the issues and actions you bring before your Board will be re-played by the media, either accurately or not. The bottom line is you can wait for them to come to you or you can go to them. Our suggestion is the latter.

No matter how you personally look upon the media, they remain as powerful influences upon the success of your job. You have a common goal – informing the public – but frequently quite different ways of going about it. It is wise to maintain good relations with representatives of the media, but do not forget to keep them professional. Providing 'inside' information to the media on an 'off the record' basis is dangerous at best, disastrous to you and your department at worst. It may be useful to have a regular weekly appointment with media representatives to provide a forum for two-way communications on department issues of interest to the public.

Be sure that all of your employees know the department's policy on providing information to the media. You should never have policies or practices that give the appearance of "stonewalling", but there is nothing wrong with instructing your staff about who is responsible for responding to media inquiries and how they can be reached on very short notice.

When you do have an interview with the media, remember that preparation is the key to a good interview. The following media interview tips are worth remembering[5]:

1. Write out three brief, positive points you want to make.
2. Concentrate on the question asked.
3. Always tell the truth.
4. Use transitional phrases to gain more control of the interview by bridging to your three points.
5. If interrupted, ask to finish your point.
6. Pause and think of your answer.
7. Answer in "quotable" length – keep it under 60 seconds and give your conclusion first.

[5] APWA, Public Works Administrators' Training Program.

8. Don't use "buzzwords" or "jargon".
9. Try to remain calm – don't let techniques or outside noises disturb you.
10. Use analogies and anecdotes.
11. On TV, address the newsperson – not the floor or ceiling.
12. Be authoritative. On TV, Use your hands.
13. Assert yourself.

Last, but not least, do not discuss or offer opinions on political issues (or politicians themselves) with anyone. What goes around frequently comes around.

2.F.3. As A Manager

The county engineer is a key official directing/managing one of the largest single departments/divisions of county government and, in many counties, one of the largest single employers in the county. The road department impacts the lives of most residents of the county on a daily basis and recurring poor performance of maintenance crews, poor customer service by the permit/development review personnel, or even traffic signage or construction projects can result in an avalanche of phone calls to the commissioners or the local news media. This is NOT GOOD. Your management skills and your ability to motivate, direct, and complete tasks through the efforts of your subordinates will be tested continually.

The most important skills you can develop are the ability to work with your employees and the ability to lead them. You must delegate and work with your employees to multiply your abilities. As a team, you accomplish much more than the same number of individuals working independently. While supporting your staff, it is important to ensure that they are fairly and accurately implementing your policies.

UNIONS

Unions can be either strong partners or strong adversaries. It depends on you. Treat all employees fairly and equally and understand the union contract. The union is dedicated to providing a good work force and it is one of your challenges to keep them motivated, focused, and positive. In times of budget shortfalls and high expectations, that can be a real challenge. Try to establish a positive working relationship with the union representatives, officers, and the paid staff. Try to find 'win-win' solutions to employee problems and the union contract. (See Section 8.D.)

REGULATORY AGENCIES

It is important for the County Engineer to establish positive, professional relationships with his/her peers in the various regulatory agencies. In case of conflict, CRAB is available to ask questions at the headquarters level and to assist you in resolving issues. It is possible that a regional interpretation of a regulation is not consistent with other regions or with the intent of the headquarters office. The more you network with other county engineers and utilize CRAB, the easier your job becomes.

OTHER ASSIGNED RESPONSIBILITIES

As managers rotate through county government, responsibilities and organizational structure change. As we look around the state, our brethren who began as county engineers are currently responsible for all manner of tasks.

- **ER&R:** Equipment Rental & Revolving Fund. It is very common to be responsible for this function, especially when road vehicles are the majority of the inventory. Sheriff's department vehicles typically make up the second largest inventory, and with their requirement for rapid repair of often abused vehicles, the potential for friction exists. ER&R responsibilities may be assigned to purchasing, administrative, or another department. The sole legal responsibility necessitating for the County Engineer's involvement lies in RCW 36.33A.040, which says that the county engineer is required to determine the rates for the fund and to submit these rates to the legislative body for annual review and approval. (See Section 8.A.)

- **Surface Water Management:** The very nature of roads concentrates water (be it floods or surface runoff) into ditches and culverts, and under bridges. Similarly, the road department has maintenance crews and equipment and responds to flooding as it affects roads and bridges. It is only natural that the road department be responsible for surface water management in rural counties. As counties urbanize, surface water (stormwater) utilities with dedicated revenue sources often are formed. This provides a distinct funding source for work. The utility may remain in the road department, or it may become a separate division of a public works department or it may even be a separate department.

  A stormwater utility provides a focus for water-related issues that may become lost within a road department. Roads typically is concerned with water quantity (i.e., floods) as it affects the road system. A utility provides a more global approach with more focus on water quality and basin-wide or watershed-wide planning. The utility allows a concentration of engineers, planners, and technicians with a more water/environmental approach and provides a good balance to the road/construction engineers.

  An ongoing responsibility of the county engineer is to submit a prioritized listing of grant requests from all jurisdictions within the county for assistance from the Flood Control Assistance Account Program (FCAAP). FCAAP is a program administered by the Department of Ecology and described in WAC 173-145.

- **Special Districts (Drainage Districts/Diking Districts):** These are independent districts with their own elected officials, budgets, and taxing authority, but the county engineer is their technical expert per Chapter 85 of the RCW. This is an interesting chapter of old law that on the surface appears to be contrary to much of the new legislation on wetlands. If your county is one that has active special districts, it is <u>imperative</u> that you become vary familiar with the RCW and very aware of what the districts are doing. You may become very involved!

- **Solid Waste:** In the rural counties, the county engineer is THE ENGINEER. Anything remotely technical begins in the road department.

  You will undoubtedly be involved in the collection and disposal of solid waste. Frequently, you will contract for the collection. In the past, most counties maintained their own landfill sites and county engineers frequently had the responsibility to operate them.

  With increasing environmental awareness, the liability for pollution from landfills is so great, the cost to construct them to Department of Ecology (DOE) standards so prohibitive, and the permits to open new sites so difficult to obtain that most counties are opting to send solid waste to regional landfills. This involves some type of transfer station where the local collection system interfaces with a 'long haul' transportation system. As counties close up their landfills, they are then responsible for the maintenance and monitoring of the existing capped sites for thirty years.

  As the counties urbanize, solid waste may be one of the triggers to form a public works department and to staff it with engineers and technicians who specialize in the complex and evolving regulations and standards governing solid waste management.

- **Ferries:** Four Washington counties own and operate ferries as waterborne extensions of their road systems. Because ferries have been designated in statute as part of the road system, they are eligible for most kinds of transportation funding. In addition, because they are extremely expensive to operate, the state provides an O&M subsidy, which is shared among the county systems. There also exists a Ferry Capital Improvement grant program that is administered by CRAB to assist the counties to replace vessels and terminals.

- **Building/Development:** Again, in the rural counties, the county engineer often has all of this responsibility. As counties urbanize, a building department may emerge as a separate department or may become part of a Public Works Department. As problems grow, building and planning may be combined with public works into a Public Services Department, or may become a separate Community Development Department. As discussed elsewhere, certain platting and road development responsibilities must remain with the county engineer, which can lead to interesting communication opportunities.

  If you have the opportunity to manage a building department, then you must be aware of several things. First, learn the Uniform Building Code (UBC) and then the plumbing code, etc. Next, the Fire Code is essential reading, especially if you discover that you are not only the Chief Building Official but also the County Fire Marshal. At a minimum, you will become involved with a circle of new friends at all the neighborhood fire districts.

Finally, the permit counter and the issues surrounding plan approvals and building inspections will provide you many opportunities for intensive public scrutiny, be it in the newspaper or the council chamber as irate citizens storm the Courthouse. Just because you are trying to help them construct a better, safer home does not always satisfy them.

- **Planning:** Transportation planning resides in many different places in Washington counties. Whether or not it is under the direct purview of the county engineer, however, it is important for the road department to play an active role in the development and maintenance of the county's transportation plan. That is particularly true in counties planning under the Growth Management Act, which focuses to a large degree upon the relationships between transportation and land use. The ability of the transportation system to support increased development (the concurrency issue) is of great importance to both the private sector, which depends upon adequate infrastructure for growth, and to the county engineer who is responsible for the maintenance and preservation of the county's road system.

  Failure to be an active participant in the transportation planning process is likely to result in the county engineer's relegation to the role of a technician in the operation and management of his/her road system. A word to the wise . . .

- **Emergency Management:** The road department is a major participant in preparedness, mitigation, and recovery efforts and in more than one county, the Public Works Director is in charge of Emergency Management. More typically, the Sheriff's Department manages the program or a separate Emergency Services Department is established.

  At a minimum, get organized! A primary function of the Road Department is emergency response to storms, snow, ice, and flooding as we attempt to keep the roads open. Open roads are essential as the county responds to any type of emergency.

  This is an excellent area in which to prepare checklists and to involve the department, especially the maintenance crews, as you brainstorm problems and solutions. Simple items such as dry sand, sand bags, maps with the same coordinate base for use by all affected departments, radio frequencies, standby power, listing and location of tools and equipment which you can share with neighboring jurisdictions are just a few of the issues that should be discussed and coordinated before any emergency strikes. Ensure that both you and the County Commissioners agree on your authority and your purchasing/contracting authorities in case of an emergency. (See Section 8.C.)

- **Geographic Information Systems (GIS):** GIS is the next major technological advance in managing your programs. The system is very expensive to establish and often is within the Road Department because of

funding, the technological expertise of the engineers, and the close connection to surveying. However, because of the close connection with the official Assessors Plat Map, the assessor often has responsibility for GIS. In large counties, GIS may be coordinated and managed by the General Services or Information Services Department. In any event, the relationship between the engineer and other participants in GIS development is very important. (See Section 5.E.)

- **Dog Catcher:** "Other duties as assigned" are as numerous as the stars in the sky.

3.A. OVERVIEW

A major responsibility of all County Engineers is acquiring adequate funding to accomplish necessary tasks and to use that funding in the most efficient manner. Counties are fortunate in that they have a dedicated source of funding from the state gas tax and from a portion of the local property tax. Unfortunately, the funding does not meet the needs. The state gas tax is distributed through CRAB based on a formula that takes into account not only need but also population and annual maintenance and replacement costs. (See Section 3.B.2.) Property tax is collected based upon the assessment rate set by the Board of County Commissioners or the County Council and the amount collected depends upon the assessed value of property in the unincorporated county. Counties with large areas in open space, agriculture, or federal/state/tribal land receive substantially less property tax revenue than more developed counties. (See Section 3.B.3.) Similarly, some counties receive substantial timber revenues. In all cases, however, the road systems to be managed vary greatly. Competitive grants from state and federal programs complete the fiscal opportunities for the counties.

Each county is unique in its fiscal situation. The success of the County Engineer is a result of how effectively and efficiently he/she is able to provide a level of service with the funding available.

3.B. REVENUE

3.B.1. Federal Funds

TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY (TEA-21)

TEA-21 builds on the initiatives established in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), which was the last major authorizing legislation for surface transportation. The new Act combines the continuation and improvement of ISTEA programs with new initiatives to meet the challenges of improving safety as traffic continues to increase at record levels, protecting and enhancing communities and the natural environment as we provide transportation, and advancing America's economic growth and competitiveness domestically and internationally through efficient and flexible transportation.

TEA-21 includes numerous funding programs, many of which were originally established as part of ISTEA. Of these programs, the following are of most importance to counties:

- **Bridge Replacement and Rehabilitation Program:** The Bridge Replacement and Rehabilitation Program provides funds to states for the replacement or rehabilitation of deficient bridges (bridges which are unsafe because of structural deficiencies, physical deterioration, or functional obsolescence) both on and off the federal-aid highway system. The state maintains an inventory of all bridges, classified according to serviceability, safety, and importance for public use. Based on that classification, each bridge is assigned a priority and a cost to either replace or rehabilitate the

structure. The state, in cooperation with cities and counties, selects bridges for replacement or rehabilitation, according to the funds available. Under federal law, apportioned funds must be split, with not less than 15% and not more than 35% being expended on public off-system bridges.

Under ISTEA, bridge seismic retrofitting, bridge structure painting, and the application of calcium magnesium acetate became eligible uses of federal bridge funds. Through TEA-21, eligible uses expanded to include application of certain anti-icing and de-icing compositions and installation of scour countermeasures.

Bridge Program funds are shared 60% by WSDOT and 40% by local agencies (cities and counties). The match requirement for bridge funds is 20%.

- **Emergency Relief Program:** The Emergency Relief Program authorizes the FHWA to render assistance for repair and reconstruction of federal-aid highways that have been damaged due to a natural disaster such as flooding or as a result of a catastrophic failure from any cause. The federal share payable on account of any repair or reconstruction is 100% of the costs incurred to minimize damage, protect facilities, or restore essential traffic services during the first 180 days after the occurrence. Thereafter, the federal share is equal to the federal share payable on a project on the system (generally, 90.66% on the Interstate System and 86.5% on all other roads).

  In order to receive Federal Emergency Relief funds, the Governor must declare an emergency; the U.S. Secretary of Transportation must concur; and the FHWA must receive an application from the Washington State Department of Transportation. If the President has declared the emergency to be a major disaster for purposes of federal law, no concurrence of the USDOT is required.

- **Federal Lands Program:** The Federal Lands Highways Program provides funding for improvements to and preservation of highways on federal lands. The Program has four categories: Indian Reservation Roads; Parkways and Park Roads; Public Lands Highways (which includes Forest Highways); and Refuge Roads. Under TEA-21, the refuge roads category was added to provide funds for access to or within national wildlife refuges. All categories of funds, except Refuge Roads, can be used for transit facilities. Presently, twenty-four counties are eligible to compete for Federal Land Program funds.

- **Surface Transportation Program:** The Surface Transportation Program (STP) was originally established under ISTEA, where it was the largest and most important funding program. The STP is the most flexible of all federal-aid programs, allowing use for the widest array of transportation projects. Examples of such projects are construction, reconstruction, resurfacing, restoration, rehabilitation, and operational improvements for highways (including Interstate highways) and bridges (including Interstate bridges), including any project necessary to accommodate other transportation modes; mitigation of damage to wildlife, habitat, and ecosystems caused by any

transportation project; capital cost of transit projects eligible for assistance under the Federal Transit Act; publicly owned intracity and intercity bus terminals and facilities; highway and transit safety improvements and hazard elimination; surface transportation planning; highway and transit research and planning and technology transfer activities; capital and operating costs for traffic monitoring, management, and control; fringe and corridor parking facilities; carpool and vanpool projects; bicycle and pedestrian facilities; transportation control measures; transportation enhancement activities; development of certain required management systems; and a variety of wetlands mitigation efforts.

Under TEA-21, STP funds are distributed as follows:

- 10% of available funds shall only be available for highway-railway crossing programs and hazard elimination programs.

- 10% of available funds shall only be available for transportation enhancement activities. The term "transportation enhancement activities" means the provision of facilities for pedestrians and bicycles; acquisition of scenic easements and scenic or historic sites; scenic or historic highway programs; landscaping and other scenic beautification; historic preservation, rehabilitation, and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals); preservation of abandoned railway corridors (including conversion and use for pedestrian or bicycle trails); control and removal of outdoor advertising; archaeological planning and research; and mitigation of water pollution due to highway runoff.

  The enhancement program is directed specifically at non-motorized transportation projects that have previously received no funding. Projects may be suggested by any segment of the community but must be sponsored by an agency with Certification Acceptance (CA) authority. Regionally, projects are prioritized by the RTPOs and forwarded to the Department of Transportation for selection by a statewide multi-jurisdictional committee. The sponsors of successful projects are responsible for design, construction, and maintenance in perpetuity.

- 50% of available funds must be obligated in urbanized areas of the state with an urbanized area population of over 200,000, and other areas of the state, in proportion to their relative share of the state's population. Of the amounts required to be obligated in areas under 200,000 population, the state must obligate in areas under 5,000 population not less than 110% of the amount of funds apportioned to the state for the federal-aid secondary system for fiscal year 1991. TEA-21 permits up to 15% of amounts reserved for rural areas to be spent on rural minor collectors. In Washington, the Seattle-Everett, Tacoma, Spokane, and Vancouver areas qualify as areas over 200,000 population.

Outside the boundaries of the federally designated MPOs, counties are the lead agencies for administration of the funds. That responsibility includes convening multi-jurisdictional and modal project selection committees, conducting public participation processes, and distributing funds. The key elements to conducting a successful STP program are to create a process that fits the region and to involve all transportation interests in the project selection.

- 30% of the available funds may be obligated in any area of the state.

  The statewide competitive fund was created specifically to provide transit with a special venue in which to compete for ISTEA – now TEA-21 – revenues. Once again, projects submitted by all jurisdictions and modes are eligible to compete against each other for funding. The Transportation Improvement Board (TIB), which is composed of members from counties, cities, WSDOT, transit, and other transportation interests, performs the project selection according to agreed-upon criteria. The Highways & Local Programs Division of WSDOT administers the funds.

  While there are some exceptions, the match requirement for STP funds is generally 20%.

FEDERAL FOREST FUNDS

For those counties with national forest land, there is another federal funding source called the Federal Forest Yield funds (USC Title 16, Section 500). The amount of funds distributed is based on the value of the logged timber in each of the several national forests within the State of Washington. Twenty-seven of the thirty-nine counties receive these funds, with Douglas County receiving the least ($1.05 in 2000) and Skamania County the most (slightly over $3 million in 2000).

The revenue year is based on the federal fiscal year (October 1 – September 30). Payments are made to counties by the state treasurer – 75% in October and the remaining 25% in December of each year.

For each national forest, the state treasurer computes each county's proportionate share of the national forest land and the funds are distributed accordingly. The revenue is split – 50% to schools and 50% for the benefit of public roads.

Historically, the amount of revenue this source generates each year has been very difficult to estimate. Normally the preliminary estimates from the U.S. Forest Service have been somewhat optimistic. However, with the continuing spotted owl restrictions and other environmental and political wrangling the future of this revenue source is in question. All counties for which these revenues are a significant portion of the road fund should budget conservatively.

OTHER FEDERAL FUNDS

A few other miscellaneous Federal funds that may be available for road or other public works purposes include:

- **Military Forest Yield:** Counties' share of the receipts from military installations remitted by the state treasurer under USC Title 10, Section 2665. These funds are to be spent on public roads and public schools.

- **Federal Flood Control Leases:** Counties' share of the receipts from leases of federal lands acquired for flood control, navigation, and related purposes under USC Title 33, Section 701c-3. These funds are remitted by the state treasurer and may be used for any expense of county government. Alternatively, these receipts may be passed on to flood control districts or diking and drainage districts. See also RCW 36.34.220.

- **Federal Grazing Act (Taylor Act):** Counties' share of the receipts from grazing leases on federal lands outside grazing districts, remitted by the state treasurer under USC Title 43, Section 315i. See also RCW 79.28.040.

- **U.S. Fish and Wildlife Refuge Tax (PILT):** Where a county has incurred a loss or reduction of real property tax revenue due to the existence of wildlife refuge lands and waters administered by the Department of the Interior, the loss is offset by this 'payment in lieu of tax', or PILT, process (Refuge Revenue Sharing Act, as amended 16 USC, Section 715a).

3.B.2. State Funds

STATE MOTOR VEHICLE FUEL TAX (MVFT)

The State Motor Vehicle Fuel Tax (MVFT – commonly called the gas tax) is one of the primary sources of road fund revenue for counties. In addition to the regular distribution to each county, it also provides the funding for the Rural Arterial Program, the County Arterial Preservation Program, and Transportation Improvement Board (TIB) programs. In 1998, gas tax revenue from these sources amounted to 25.9% of all county road fund revenues.

- **Definition:** The state gas tax is an excise tax on the sale of motor vehicle fuel. The rates, processes, exemptions, etc. are set by statute [RCW 82.36]. Collection and distribution are by the Department of Licensing and the State Treasurer.

- **Dedications to Motor Vehicle Funds:** All MVFT taxes (less exemptions and refunds), plus other minor revenue sources such as special fuel taxes [RCW 82.38] and use taxes [RCW 82.12]) are placed in the Motor Vehicle Fund [RCW 46.68.070]. This fund "…shall be for the use of the state, and through state agencies, for the use of counties, cities, and towns for proper road, street, and highway purposes, including the purposes of RCW 47.30.030." (Non-motorized traffic)

- **Distributions from the Motor Vehicle Fund:** There is a hierarchy of distributions of the MVFT and other taxes placed in the Motor Vehicle Fund [RCW 46.68.090]. In descending order, they are:

  1. Payments of any refunds as provided by law.
  2. Administrative expenses of the state treasurer, auditor, and department of licensing (related to MVFT and special fuel tax collection and distribution).
  3. WSDOT.
  4. Special Category C Account, administered by WSDOT for WSDOT.
  5. Puget Sound Ferry Operations Account.
  6. Puget Sound Capital Construction Account.
  7. Urban Arterial Trust Account, administered by TIB for cities and counties.
  8. Transportation Improvement Account, administered by TIB for cities, counties, and WSDOT.
  9. Cities and towns as per RCW 46.68.110.
  10. Counties as per RCW 46.68.120.
  11. County Arterial Preservation Account, administered by CRAB for counties.
  12. Rural Arterial Trust Account, administered by CRAB for counties.

- **County-Specific Distributions:** The actual percentages of items 3 through 12 above are specified in RCW 46.68.090. These are summarized in Figure 3-1.

  Through the regular distribution, the Rural Arterial Program (RAP), and the County Arterial Preservation Program (CAPP), counties receive 23.72% of the state 23 cent gas tax, or about 5.46 cents. In addition, counties also participate in the 3.04 cents (13.23% of 23¢) of the TIB-administered programs. RAP, CAPP, and TIB funding issues are discussed in other sections.

- **Regular Distribution – Deductions:** With amendments to RCW 46.68.090 made during the 1999 legislative session, gas tax distribution was greatly simplified. The amount of the 'regular distribution' (Item 10 in the preceding listing) is 19.2287% of 23 cents less any funds (not to exceed $1 million per biennium) necessary to subsidize county ferry deficits in Pierce, Skagit, and Whatcom Counties [RCW 47.56.725(1)-(3)] and less any funds appropriated to CRAB for county capital ferry improvements in the three Puget Sound counties and Wahkiakum County [RCW 47.56.725(4)]. Of this regular distribution amount, 1½% is deducted for 'state supervision'. This amount is shared between WSDOT Highways & Local Programs and CRAB to cover their relative administrative costs of providing services to counties. Thirty-three hundredths of a percent of the regular distribution amount is deducted for the purposes of funding the counties' share of any multi-jurisdictional studies such as the Road Jurisdiction Study. All sums required to be repaid to counties composed entirely of islands are also deducted.

  Presently, approximately 64% of the 'state supervision' deduction goes to WSDOT Local Programs and 36% to CRAB. For FY2001, the total state

supervision deduction is estimated to be $2,052,000, and the 0.33% 'studies' amount is estimated to be $452,000 (Forecast RF 0011). The 'island county refund' moneys are of chief interest to **Island** and **San Juan** counties as they are the only counties eligible to receive these funds.) Specifics of the calculations are contained in RCW 46.68.080, which is also known as the 'Capron Act'.

After all the deductions and refunds are taken into account, the net funds remaining are distributed among all 39 counties on a formula basis, commonly called the "gas tax formula" [RCW 46.68.120(4) and 46.68.122 and .124]. (See Figure 3-2.)

- **County Gas Tax Formula – Basic Factors:** Currently, nearly $148 million per year is distributed among all the counties by a rather complicated formula. CRAB is responsible for the biennial calculations (and annual updating), which are furnished to the State Treasurer who actually makes the distributions monthly.

  Ten percent of the funds are distributed equally to all counties. Thirty percent is based on each county's pro rata share of 'equivalent population', which is a weighted combination of incorporated and unincorporated populations. Another 30% is based on each county's pro rata share of the estimated annual cost to replace and maintain its road, bridge, and ferry systems. The final 30% is based on each county's pro rata share of its money 'needs'. These needs are expressed as the previously mentioned costs less a discrete list of 'resources'. The resources included are the actual county road levy revenue, the Federal Forest Funds, the state timber excise tax, and the island county refunds.

  The complete text of the formula is contained in RCW 46.68.122 and .124.

- **County Gas Tax Formula – Cost Factors and Use of the Roadlog:** The county roadlog, which must be updated each year by all the counties [WAC 136-60], serves as one of the primary data sources for computation of the 30% 'cost factor' and the 30% 'need factor' in the gas tax formula. The 'cost factors' are the aggregation of various unit costs related to the reconstruction and maintenance of roads and bridges; these costs are applied to the mileage in each of the counties' roadlogs to generate a total cost to reconstruct and maintain their roads and bridges (for counties owning and operating ferries, those costs are also included in the totals). To quote the statute:

  > *"The county road administration board shall be responsible for establishing a uniform system of roadway categories for both maintenance and construction and also for establishing a single state-wide cost per mile rate for each roadway category. The total annual cost for each county will be based on the established state-wide cost per mile and associated mileage for each category. The mileage to be used for these computations shall be*

as shown in the county road log as maintained by the county road administration board…" [RCW 46.68.124(2)]

With the concurrence of the WSACE Finance and Resources Committee in 1990, CRAB is currently using a derivation of the Road Jurisdiction Study results for the unit costs and the 1983 Cost Factor Study for the roadway category definitions.

The County Gas Tax formula is illustrated in Figure 3-3.

- **County Gas Tax Formula – Limitations on Changes:** To insure that major changes in the basis of calculations neither benefit nor punish any one county unduly, the statute contains a provision for limiting the annual amount of change in any one county's allocation factor (i.e., its proportional percentage of the total) to a maximum of plus or minus 5% [RCW 46.68.124(5)]. This is not the same as limiting the amount of change in funds received to plus or minus 5%. Counties with larger allocation factors could experience a much larger change both in factor and funds than one with a smaller factor (ex. – Snohomish County's 2001 factor is 6.3558. Five percent is 0.3178, which – on a $130 million total – would be slightly more than $413,000. Conversely, Pacific County's factor is 0.9381. Five percent is 0.0469, which, on the same $130 million total would only equal approximately $61,000. (You can draw your own conclusions as to the fairness or appropriateness of this, but that's how it works.)

- **Distribution and Notification:** By statute, CRAB recalculates each county's share of the gas tax biennially using new population data and new cost and need figures. In the odd-numbered years between each biennial update, CRAB adjusts each county's percentage under the provisions of the preceding paragraph, "Limitations on Changes", only if the preceding year's recalculation resulted in one or more counties at the +/- 5% threshold.

  The allocation factor for each county as computed by CRAB each year is forwarded to the State Treasurer by September 1 for the year beginning the following January 1. Based upon these factors, the State Treasurer, on a monthly basis, sends to each County Treasurer that county's share of the monthly gas tax collections.

  At the same time the State Treasurer is notified of the allocation factors, and to provide each county a 'heads-up' as to what they should be considering in the budget preparation, CRAB also sends each county a county-by-county listing of the allocation factors plus an estimate of the funds to be received based on the most recent state revenue forecast.

RURAL ARTERIAL PROGRAM (RAP)

In 1983, the legislature, with the support of CRAB and the counties, created the first county-specific grant program, the Rural Arterial Program. Originally limited to improvement projects on county rural major and minor collectors plus "replacement bridges funded by the federal bridge replacement program on access roads in rural areas", eligibility for the program was expanded by the

legislature in 1997 to include all rural arterials and collectors. For the purposes of this program, the state has been divided into five regions. To date, within these five regions, this competitive program has authorized almost 800 projects worth over $265 million. This program serves as virtually the only source of grant funds for the 6,300 miles of the rural minor collector system, which is slightly less than half of the entire 13,100 eligible system miles.

- **Basic Authority:** The RAP statutes are contained in RCW 36.79. They provide for the creation of a rural arterial trust account (RATA) which is funded by 2.5363% of the state's 23 cent gas tax. Funds are distributed to the five regions on a land area-mileage basis; unspent funds remain with each region. Trust account interest, after a period of diversion to the state general fund, is now credited to the trust account for distribution to the regions. The legislation further provides for CRAB administration of the program; a requirement for projects to be included in county six-year programs; establishment of matching funds; and eligibility exclusion for counties that divert road funds, except in special cases.

- **CRAB Authority:** CRAB, with the assistance of the county engineers in each of the five regions, has developed and adopted appropriate administrative rules, contained in WAC 136-100 through 210, including supplements for different priority ratings for each region and standard forms to be used.

- **Program Cycle:** The RAP program activities are based on a state biennium cycle, as illustrated in Figure 3-4. Currently some 90% of an ensuing biennium's estimated RATA funds are allocated to projects within regions at the spring CRABoard meeting in each odd-numbered year. The remaining 10% (adjusted for withdrawals, underruns, and interest) is allocated at the spring meeting in even-numbered years. The CRABoard meets quarterly and adjustments to projects are also made then.

- **Diversion:** A major legislative restriction bars any county that is diverting road funds from participating in the RAP program. There are some exceptions, however, which are specified in RCW 36.79.140 (See Section 3.C.7.) Counties which are, or are considering, diverting road levy funds to other governmental purposes should be very familiar with this section as well as with WAC 136-150.

COUNTY ARTERIAL PRESERVATION PROGRAM (CAPP)

In 1990, the legislature established the County Arterial Preservation Program (CAPP) to assist in funding preservation of county arterial pavements. CAPP provides some $12+ million per year to counties for a program similar to WSDOT's pavement preservation program.

- **Basic Authority:** The CAPP legislation is contained in RCW 46.68.090(k). It provides for the creation of a trust account (CAPA) funded by 1.9565% of the 23-cent MVFT. Distribution is in proportion to the paved arterial lane miles under each county's jurisdiction. Funds are to be used for

"…improvements to sustain the structural, safety, and operational integrity of county arterials." CRAB has the responsibility to administer the program and "…to assure a pavement management system [PMS] is used."

- **CRAB Authority:** As required by statute, CRAB has developed and adopted appropriate administrative rules, which are contained in WAC 136-300. These rules deal with certification of mileages for allocation percentage calculations; basic eligibility; PMS requirements; annual CAPP programs and accomplishment reports; definition of eligible work; and accounting/audit requirements.

- **PMS Requirement:** Of particular note, all counties must be in conformance with the Standard of Good Practice requiring use of a pavement management system (WAC 136-70) to retain eligibility for CAPP funds. CRAB has developed and made available to all counties a system-level PMS computer software package that runs in CRAB's CRIS environment, called the County Pavement Management Planning System (CPMPS). Use of the CRAB package is not a requirement; alternate systems may be used if comparable results are achieved. A PMS module will also be available in Mobility.

- **CRAB Assistance – PMS:** CRAB can and does provide technical and administrative assistance to counties for implementation of PMS. This is not restricted to CRAB's own software package but is also available for alternative systems. Training classes specific to the CPMPS program are also available at the CRAB office.

TRANSPORTATION IMPROVEMENT BOARD (TIB)

In 1988, the Urban Arterial Board (created in 1977) was replaced by the Transportation Improvement Board (TIB). The TIB is an independent state agency governed by a twenty-one-member board with representation from cities, counties, WSDOT, transit, ports, the Governor's office, non-motorized transportation, special needs transportation, and the private sector. CRAB's Executive Director is one of the county members. WSDOT's Assistant Secretary for Highways and Local Programs is also a board member.

The primary purpose of the TIB is to administer state funding for local government transportation projects. Projects are funded by utilizing TIB revenues in combination with local matching funds and private sector contributions. An additional responsibility of the TIB is the Route Jurisdiction Transfer (RJT) program, which is to review requests from cities, counties, and the state for route jurisdiction transfers and to provide recommendations to the legislature. The authorizing legislation for the TIB is contained in RCW 47.26.121. The administrative rules are found in WAC 479.

The TIB administers seven grant programs:

- Transportation Partnership Program (TPP)
- Arterial Improvement Program (AIP)
- Small City Program (SCP)
- City Hardship Assistance Program (CHAP)

- Public Transportation Systems Program (PTSP)
- Pedestrian Safety and Mobility Program (PSMP)
- Intermodal Surface Transportation Efficiency Act (ISTEA)

Most of the programs are directed at solving urban transportation problems, so a call to TIB regarding eligibility may be warranted if any question arises.

The TIB provides a variety of guidelines, grant application information, and other assistance for their programs. Their offices are located in the Transportation Building in Olympia, where they can be contacted at (360) 705-7300. The mailing address is P.O. Box 40901, Olympia WA 98504-0901.

PUBLIC WORKS TRUST FUND (PWTF)

The Public Works Trust Fund is a revolving loan fund designed to help local governments finance critical public works projects. This program was established in 1985 and provides low-interest loans and technical assistance to eligible local governments, including cities, counties, and special purpose districts. It is administered by the thirteen member Public Works Board. Staff support is provided through the state Department of Community, Trade, and Economic Development (CTED). The enabling legislation is contained in RCW 43.155.

The PWTF is capitalized with dedicated revenues from utility and sales taxes on local water, sewer, and garbage collection and a portion of the real estate excise tax. These taxes are collected and deposited into the Public Works Assistance Account which is managed by the State Treasurer. Annual collections are approximately $60 million.

To be eligible to receive PWTF financing, an applicant must be a local government entity (private utilities, private enterprises, school and port districts, and tribal governments are not eligible) and have a long-term plan for financing its public works needs. Cities and counties must be imposing the optional one-quarter of one percent real estate excise tax dedicated to capital purposes. Projects eligible for PWTF funding include the repair, replacement, rehabilitation, reconstruction, or improvement of eligible public works systems. Eligible systems are bridges, roads, domestic water systems, sanitary sewer systems, storm sewer systems, and solid waste or recycling facilities. Projects that are not eligible are upgrading of wastewater facilities from primary to secondary and routine maintenance and operations.

The oldest and largest program is the Construction Loan Program. Construction Loan Program projects must have their funds appropriated by the Legislature each biennium. Other programs include the Pre-Construction, Emergency, Public Works Planning, and Drinking Water Loan Programs.

Comprehensive guidelines, application information, and technical assistance are available on all programs. The Public Works Board may be contacted in Olympia at (360) 725-5000 or in writing at 906 Columbia Street S.W., Olympia WA 98504-8300.

STATE FOREST FUNDS

Another important revenue source for counties is the state excise tax on harvesters of timber, also known as the 'state timber excise tax'. This legislation, codified as RCW 84.33, was significantly overhauled in 1984 to change the tax from an ad valorem basis to one based on stumpage value. The distribution of this tax to counties was also changed – from a 50% to schools and 50% to roads, to first paying on certain bonds [RCW 84.52.056] and excess levies for capital projects [RCW 84.52.053], then school districts, and then all other taxing districts including roads. The specifics are contained in RCW 84.33.081. There are also some exemptions and property tax offsets in the statute. This can be quite complicated and you should discuss this as it affects the road fund with your county treasurer.

3.B.3. Local Funds

ROAD LEVY (PROPERTY TAX)

- **Authority:** Over one-third of the revenues dedicated to county roads are generated from local property taxes. Property taxes are levied for many state and local purposes and are arranged in a complex hierarchy. The basic limits of the senior county levies are $1.80 per $1,000 assessed valuation for general government (current expense) and $2.25 per $1,000 assessed valuation for roads. The sum of the two senior county levies cannot exceed $4.05 per $1,000 assessed valuation. The authority to levy property tax is codified in RCW 84.52.043; the road fund levy is specifically expanded upon in RCW 36.82.040.

- **Basic Principles:** The fact that a multitude of state, local, and special district functions are funded by local property taxes, coupled with constitutional and statutory limitations on the total tax burden that can be imposed upon the citizens, makes the global issue of property taxes extremely difficult to understand. From the point of view of the road department, however, grasping a few basic relationships is crucial.

  Two fundamental constraints define the bounds of property taxes in general. First, the sum of all property taxes cannot exceed one percent of a property's assessed valuation without the express consent of a supermajority of the voters. Second, the annual property tax cannot exceed 106 percent of the previous year's total plus the value of new additions to the tax rolls. The combined millage of all of the eligible taxing districts must coexist within those parameters, and often the relationships are strained.

  Because property taxes comprise so substantial a portion of the county's road fund revenues (and generally are distributed in two lump sums, April and November), it is important for county engineers and public works directors to track them closely, especially the projected November amount. Become well-acquainted with both the county assessor and the county treasurer; their offices will provide revenue projections for budgeting as well as important data about the timing and extent of tax collections. Without a firm handle on

that information, both initial budget development and monthly/end-of-year expenditure forecasting will be difficult at best.

ROAD IMPROVEMENT DISTRICTS (RIDs)

The RID is a useful road improvement financing method, especially in well defined, high-valuation areas in which the properties benefited can be clearly identified.

Originally codified in 1951 and amended in 1984, the enabling statute, RCW 36.88, provides a process for setting up a special assessment based on current property valuation. An RID is formed for the purpose of a specific road or related improvement project. The various purposes that can be accomplished by an RID are listed in RCW 36.88.010 and .015. RIDs may be initiated by the Board of County Commissioners (subject to a vote of the majority of those benefited) or by petition of a majority of benefited property owners. The overall process is very procedure-oriented and counties contemplating this local funding method should read the statute carefully. Many counties have successfully used the RID process for a variety of road and road-related purposes.

First the scope of the project is determined, then a district boundary of benefited properties is drawn. The Board then establishes the RID; bonds are sold and the improvement is constructed under the authority of the county engineer. The parcels within the district are levied their share of the cost and the costs are paid off over time with the annual property taxes.

The advantages of an RID are:

- Each benefited parcel pays its fair share of the cost and the cost is spread over the entire district.
- The district may sell bonds, which are redeemed by the annual payments from the parcel owners.
- It allows the project to be built when it is needed and the bonds to be paid off over time.
- It can be initiated by the local residents of an area or by the Board.

The disadvantages of an RID are:

- There is a significant amount of work required by the county engineer in defining the benefited area, verifying the majority issue when a petition is filed, scoping the cost of the improvement, etc.
- Whether by the Board or by petition, the establishment of the RID must be approved by a majority of the parcels involved.
- There are two opportunities for protest: at the RID establishment hearing and at the adoption of the tax rolls.
- In all cases, the cost assessed against each parcel cannot exceed the benefit that it receives.

TRANSPORTATION BENEFIT DISTRICTS (TBDs)

Similar in basic intent to the RID is the Transportation Benefit District or TBD. The TBD was authorized in 1987 and is codified as RCW 36.73.

The TBD is an independent benefit district (and taxing authority) involving both public and private participation as well as allowing for the inclusion of both the WSDOT and cities. Possibly owing to the size and complexities in forming the TBD, defining the district, determining both the specific projects and the benefits, and receiving general approval from all the likely participants, the only TBD of which we are aware is for the Point Roberts Peninsula in Whatcom County.

If all the hurdles can be overcome, a TBD has the potential to be a very powerful funding source.

LOCAL OPTION TRANSPORTATION TAXES

In 1990, the legislature authorized several transportation taxes that can be implemented at the option of local government. Codified in RCW 82.80, the taxes available to counties are the vehicle license fee, the commercial parking tax, and a local motor vehicle fuel tax. There is the stipulation that the revenues generated must be used for general transportation purposes that are the result of a formalized planning, coordination, and programming process. They cannot be used to supplant existing transportation revenues. Revenues are collected by the state treasurer and are shared with incorporated cities within the county according to population, with the unincorporated population multiplied by a factor of 1.5 for the calculation.

The three local option transportation taxes available to counties are:

- **Vehicle License Fee (VLF):** [RCW 82.80.020] This is the simplest tax to implement, requiring no prior voter approval although it is subject to referendum. The maximum fee is $15 per year per vehicle with exemptions authorized for elderly, low income, and disabled people. Only Douglas, King, Pierce, and Snohomish Counties have enacted the local option VLF. Those four counties have the full $15 per vehicle license fee in place.
- **Local Motor Vehicle Fuel Tax:** [RCW 82.80.010] This tax, which can total ten percent of the statewide rate (currently at 23 cents per gallon), requires prior voter approval. While this tax could generate significant revenues in some counties, it is the most politically volatile. Only two counties, Snohomish and Spokane, have attempted to adopt the local option gas tax but neither was successful.
- **Commercial Parking Tax:** [RCW 82.80.030] This tax is levied on parking slots for which a fee is paid. It requires no voter approval and, if enacted by a county, applies only to unincorporated areas. Unlike the prior two local options, all revenues generated in unincorporated areas are retained by the county. No county has enacted the Commercial Parking Tax.

BONDING

There are four specific types of bonds that counties may sell to finance road improvements. They are general road bonds, service district bonds, transportation benefit district bonds, and road improvement district bonds. Each of the categories serves a different segment of the population and, in each case, the bonding requires direct or indirect voter approval.

- **General Road Bonds:** RCW 36.76 sets forth a bonding process for use in constructing new roads or improving existing roads. Improvements must be specified, and up to forty percent of the revenue may be used on roads within city limits. Indebtedness is limited to a total of two and one-half percent of a county's assessed valuation with voter approval. A majority vote of the legislative authority is required to place the issue before the voters.

- **Service District Bonds:** RCW 36.83 sets forth a process to create road and bridge service districts for funding capital and maintenance expenditures for any bridge or road improvement. The service districts are created by ordinance of the county legislative authority and constitute a quasi-municipal corporation with taxing authority, however, they may be terminated by a verified declaration signed by the owners of sixty percent of the assessed valuation of a district. The district may issue bonds without voter approval in an amount not to exceed three-eighths of one percent of the district's assessed valuation. In addition, the district can, with voter approval, issue capital improvement bonds in an amount not to exceed one and one-quarter percent of the valuation. In both cases, the bonding maximums are cumulative, including total district indebtedness. The bonds are paid off by a special ad valorem tax in excess of the one percent limitation, and if any of the projects involve ongoing user fees, those fees may be applied to the retirement of the bonds. To the best of our knowledge, no county has used or is using this process.

- **Road Improvement District Bonds:** See discussion under RIDs.

- **Transportation Benefit District Bonds:** See discussion under TBDs.

3.C. BUDGETING, ACCOUNTING, AND PURCHASING

One of the more crucial responsibilities of the county engineer or public works director (PWD) is the custodianship of the funds allotted for the execution of his/her duties. A solid understanding of the county finance process is essential if the county engineer or PWD is to be a true partner with other officials within the county.

3.C.1. General Financial Management Issues

The overall financial management of counties is vested in the county commissioners or council (referred to in statute as the "legislative authority") in cooperation with the county auditor, treasurer, and assessor. The responsibilities and authorities of these county elected offices are clearly set forth in Title 36 RCW. The county legislative authority specifically is charged with "Fix[ing] the amount of county taxes to be assessed…", "[A]udit[ing] the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county…", and "…hav[ing] the care of the county property and the management of the county funds and business…" [RCW 36.32.120(4), (5), and (6)].

The basic county budgeting process is described in RCW 36.40 and the particulars of the Road Fund are in RCW 36.82. These two chapters, in fact virtually all of Title 36, are required reading for the successful manager.

3.C.2. The Road Fund

The County Road Fund (or just "Road Fund") is defined as a *special revenue fund*, which differs from the General Fund and proprietary funds such as ER&R or Solid Waste (proprietary funds generate their own revenue based on sales or services performed). The "special revenue" definition indicates that certain funds that are earmarked for county road purposes must be credited to and deposited in the county road fund [RCW 36.82.010]. Typically the most significant of such funds that are of interest to county engineers include the property tax road levy, receipts from the motor vehicle fund (general MVFT distributions, Rural Arterial Trust Account funds, and County Arterial Preservation Account funds), federal reimbursements (TEA 21 funds, Federal Forest funds), and State timber funds. There are, of course, a multitude of other, typically smaller, funds which are attributed to the road fund (see 3.C.5. following, "Report to the Secretary of Transportation"). For more information on road fund revenue, see Section 3.B.

As with all special revenue funds, there are limitations on how such funds can be spent. RCW 36.82.070 through .145 describes those limitations. One area of continuing controversy is the expanding practice of requiring the road fund to pay for general county services such as purchasing, central services, traffic law enforcement, prosecutor services, etc. Such interdepartmental or interfund payments for services are permissible as long as the payments and services are equitable. It is highly advised that such interdepartmental or interfund arrangements be substantiated based on some sort of cost allocation model in which both costs and services are measurable. The key statutory reference in this area is contained in RCW 43.09.210, which states in part:

> *"All service rendered by…one department…to another, shall be paid for at its true and full value by the department…receiving the same, and no department…shall benefit in any financial manner whatever by an appropriation or fund made for the support of another."*

Historically, the burden of proof falls upon the county when the State Auditor questions such interfund and interdepartmental transfers.

3.C.3. The BARS System

An important State player in county government is the State Auditor's Office (SAO). The Office prescribes local governments' uniform budgeting, accounting, and reporting system [RCW 43.09.200] and provides other services such as training and technical assistance. Each county auditor or chief financial officer is an ex officio deputy of the state auditor "…for the purpose of accounting and reporting on municipal corporations and in such capacity shall be under the direction of the state auditor". [RCW 36.22.140] The SAO also is responsible for conducting regular audits of local government entities, for which the entity being audited pays [RCW 43.09.280]. Results of those audits are published in

individual audit reports for the various entities, copies of which are forwarded to CRAB to review any issues related to the Road Fund.

BASIC PROVISIONS

RCW 43.09, "State Auditor", provides for the basic authority of the SAO in formulating and prescribing the accounting and reporting systems to be used by all local governments, including counties [RCW 43.09.200-.2855]. The requirement to use such procedures and to provide assistance as regards the responsibilities of the county engineer is specified in RCW 36.80.060, which says:

> *"The county engineer shall maintain in his office complete and accurate records of all expenditures for (1) administration, (2) bond and warrant retirement, (3) maintenance, (4) construction, (5) purchase and operation of road equipment, and (6) purchase or manufacture of materials and supplies, and shall maintain a true and complete inventory of all road equipment. The state auditor, with the advice and assistance of the county road administration board, shall prescribe forms and types of records to be maintained by the county road engineers."*

THE BARS MANUAL

Every local government is required to use the SAO's *Budgeting, Accounting, and Reporting System (BARS)*. For purposes of financial reporting, local entities are divided into two groups, Category 1 (counties over 50,000 in population and cities over 25,000 in population) and Category 2 (everyone else). Although the county engineer is normally not directly responsible for SAO compliance (you are accountable, however, if your staff errs!), it is important to have at least a general knowledge of governmental accounting if for no other reason than to be able to talk the same language as your accountant. The BARS Manual, although no substitute for formal governmental accounting experience, does provide a good overview and some insightful guidance to the basic processes. The minimum sections to become familiar with for just the road fund are: Part One – Chapter 3, "Nominal Accounts: Resources"; Part One – Chapter 4, "Nominal Accounts: Expenditures/Uses"; and all of Part Two, "Budgeting". One of the most important functions of the county engineer is knowing where the money is! A good accountant is important, but you had better be able to understand what the accountant is doing – and why.

3.C.4. Regular and Special Audits

Each year the entire county is audited by an examiner from the State Auditor's Office [RCW 43.09.260]. As part of this annual audit, both the overall road fund and individual projects and/or accounts maintained by the county engineer will be examined [RCW 36.80.080]. This will, of course, include both CAPP and RAP revenues and expenditures. Both of these CRAB-administered funds also have their own WAC rules containing accounting and audit provisions. Should there appear to be 'irregularities' in these two programs, the CRABoard can request a special audit. In addition to the state funds, any federal funds you may receive during the year are also frequently audited, as SAO has been delegated oversight of such federal funds as well.

Do not treat this apparent imposition on your and your staff's time as a nuisance or, worse, an attack on your personal integrity. If you and your staff have done the professional job of money management that is expected (and has been spelled out by the BARS Manual), the annual audit will be relatively simple, straightforward, and completed in a short amount of time.

Most state examiners conduct themselves as the professionals they are. From time to time, however, you may be dealing with one of the newer ones for whom this audit is among the first they have done. An apparently over-zealous attitude may sometimes arise, leading to friction and misunderstandings. Please remember that these people, too, have supervisors and you should move your concerns and frustrations to that level when troubles arise. As a last resort, please remember that CRAB staff has developed and nurtured a good working relationship with key members of the State Auditor's Office at the Olympia headquarters and can assist is restoring professional communications.

3.C.5. Special Financial Reporting

ANNUAL REPORT TO SECRETARY OF TRANSPORTATION

RCW 36.75.260 requires each county to compile and submit an annual report on 'county highway operations' to WSDOT by May 1 of each year on forms provided by WSDOT. Currently, the standard form includes a section on revenues by BARS code, expenditures by BARS code, and a summary of your road-related funds plus a section to summarize all bond and loan transactions. This report is typically completed by your department accountant. CRAB also receives a copy from WSDOT.

ANNUAL CONSTRUCTION REPORT

Paralleling the Annual Construction Program (ACP), which details the specific projects to be worked on for a calendar year (see Section 5.E.), is the report of actual work done – the Annual Construction Report. This report of accomplishments is in a format similar to the ACP.

Although there is no statutory requirement for this report, it is essential for CRAB to fulfill its responsibility for monitoring day labor limits. CRAB has developed and adopted a WAC rule on this subject (WAC 136-16-050) which is a subsection of the Annual Road Program WAC and, therefore, a Standard of Good Practice. CRAB also provides a standard format for this report (both on paper as well as in electronic format) which is due to CRAB by April 1 of each year.

CERTIFICATION OF ROAD LEVY

As part of the CRABoard's responsibility in ascertaining each county's eligibility for receiving Rural Arterial Program funds, each county is required to annually submit a Road Levy Certification Form which details the rate and amount of the property tax road levy and the amount and rate, if any, budgeted for traffic law enforcement in accordance with RCW 36.33.220 and/or any other purpose or service to be provided in the unincorporated area of the county (WAC 136-150-021). See also the provisions of RCW 36.79.140.

CERTIFICATION OF ROAD LEVY EXPENDITURES

A companion submittal to the Certification of Road Levy is the Certification of Road Levy Expenditures form. If a county indicates in its Certification of Road Levy that it is 'diverting' funds from the property tax road levy for traffic law enforcement, and if it desires to retain its eligibility for RAP funds, a form identifying such expenditures must be submitted to CRAB. There are no special accounting requirements for those expenditures as the method and level of detail will vary from county to county, and CRAB does not prescribe specific methods. The certification does, however, require the signature of the county sheriff, the county auditor, and the chair of the board of county commissioners or the county executive.

3.C.6. Purchasing Regulations

Purchasing authority varies widely across the state, and depends largely upon county size and whether a formal purchasing department has been established. Purchasing statutes are codified in RCW 36.32 and 39.04; both statutes are relevant to public works departments. The basic purchasing authority that applies to road departments and ER&R funds can be found in RCW 36.32.235 through .270. In general, unless the legislative authority decides otherwise, the county engineer/public works director can control all purchases made using either road fund or ER&R revenues. However, the formalities of the required purchasing processes change with the dollar amounts involved.

At the low end of the purchasing spectrum, advertisement and formal sealed bidding may be dispensed with upon order of the legislative authority for purchases of less than $2,500 and public works contracts of less than $10,000. Immediately after an award is made the bid quotations that were obtained must be recorded and opened for public inspection.

For purchases of between $2,500 and $25,000, the vendor list roster process described in RCW 39.04.190 may be used. That process requires that lists of potential vendors be solicited twice each year and that the county adopt a procedure for securing quotes from at least three different vendors, and for awarding contracts to the lowest responsible bidder. Quotations must be recorded and made available for public inspection immediately after award. For public works contracts of between $10,000 and $200,000, the small works roster described in RCW 39.04.155 may be used.

Purchases and public works contracts that exceed the thresholds described above must be advertised and awarded in accordance with RCW 36.32.245. Bid specifications must be written and filed with the clerk of the legislative authority for public inspection. The purchases or contracts must be advertised in the county's newspaper of record at least once at least thirteen days before the bid opening. Bids must be in writing and must be filed with the clerk. The lowest responsible bidder must be awarded the bid unless all bids are rejected. Bids for public works contracts must also include a bid bond.

The environment in which purchases are made varies widely across the state. The decisions that are made about how or whether to go to bid for different types of purchases or projects need to fit the character of the community. Above all else, every transaction must have the appearance of fairness to be acceptable.

See Figure 3-5 for a flow chart that summarizes purchasing in Washington Counties.

3.C.7. Road Fund Diversion

RCW 36.82.020 indicates that, "Any funds accruing to and to be deposited in the county road fund arising from any levy in any road district shall be expended for proper road purposes". We tend to say that <u>any</u> such funds not expended for "proper road purposes" have been <u>diverted</u> from the road fund.

In reality, however, "Diversion" specifically refers to those road levy funds that are intended for the road fund but never make it there because they have been earmarked for other purposes and deposited into the current expense fund.

Diversion – with a capital "D" – is allowed by RCW 36.33.220, which states:

> *"The legislative authority of any county may budget, in accordance with the provisions of Chapter 36.40 RCW, and expend any portion of the county road property tax revenues for any service to be provided in the unincorporated area of the county…"*

RCW 36.82.040 requires that the revenues produced from county road taxes so diverted shall be placed in a separate and identifiable account within the county's current expense fund. The State Auditor's Office prescribes the following procedures for handling diverted road levy:

1. County road taxes being diverted to the current expense fund must be shown in the county's current expense budget as an estimated revenue.
2. It must be clearly separated from the estimated revenue from regular property taxes.
3. The portion of county road taxes identified for Diversion will not be levied for the road fund and then transferred to the current expense fund. It must be receipted directly into the current expense fund. [There is a specific BARS code and revenue account entitled "Diverted County Road Taxes" that must be used.]
4. Counties that divert some portion of county road taxes must develop accounting procedures that will document that the diverted funds were used to provide services in the unincorporated area of the county.

Fortunately, because of the importance and high visibility of the road system, as well as the commitment of counties to maintaining that system, wholesale diversion is uncommon. The most recent figures (2000 road fund budgets) show fifteen counties diverting road levy funds, all but one using the funds to subsidize traffic policing efforts, which are considered "proper road purposes".

This is not to say that these are the only counties that provide road fund support for traffic policing. For the year 2000, twenty-six counties paid a portion of traffic policing costs, either through diverted road levy, direct payments for services, or transfers of funds from the road fund. The amounts ranged from $40,000 to over $7 million.

IMPACTS OF DIVERSION

RCW 36.79.140 states:

> *"…Only those counties that during the preceding twelve months have spent all revenues collected for road purposes only for such purposes, including traffic law enforcement, …are eligible to receive funds from the rural arterial trust account…"*

This section exempts from this requirement counties with a population of less than eight thousand and those that expend these funds pursuant to a voter-approved action under RCW 84.55.050.

For all other counties, we see that using road fund dollars for other than proper road purposes will result in losing eligibility for RAP funds. This is true regardless of whether a county is using capital "D" Diversion or small "d" diversion. Diversion of road funds also will impact a county's ability to obtain a Certificate of Good Practice and may jeopardize its gas tax revenues.

TRAFFIC LAW ENFORCEMENT

There is little guidance as to precisely the limits or definitions of '... traffic law enforcement, as are allowed to the state by Article II, Section 40 of the state Constitution...' [RCW 36.79.140]. It is important that both the costs and the specifics of the traffic law enforcement and support to be provided are understood by all at the time budgets are being assembled.

Although not a formal or legal opinion, CRAB considers the following activities conducted in or on behalf of the unincorporated portion of your county to be allowable "traffic law enforcement" items:

1. Investigation and enforcement of laws relating to oversize or overweight vehicles on county roads;
2. Investigation and enforcement of other traffic laws and regulations, especially enforcement of speed limits in work zones; and
3. Investigation of all accident scenes and subsequent preparation and testimony in court.

In areas for which there are assigned pro rata percentages to activities or staff which are providing non-traffic law enforcement services as well, you should make all reasonable efforts to ascertain or otherwise substantiate the percentage assignments. Without specific guidelines, the test, should you or the sheriff be questioned or audited, is that of reasonableness. It is recommended that you encourage the sheriff to review his/her internal accounting procedures to insure that up-to-date, appropriate, and supportable cost data are kept should some

portion of the road fund be allocated to the sheriff's department for said traffic law enforcement.

3.C.8. Levy Shifts

Another increasingly common mechanism for transferring revenue from the road levy to current expense without diversion is the levy shift. The levy shift as allowed in RCW 84.52.043 permits the current expense levy to be increased from the basic $1.80 per $1,000 assessed valuation to a maximum of $2.475 per $1,000 as long as: (1) the combination of the current expense and road levies does not exceed $4.05, and (2) no other taxing district has its levy reduced due to the increased county levy. Since the allowable sum of these two senior levies remains at $4.05 per $1,000 assessed valuation, a levy shift may result in a decrease in the road levy rate.

IMPACTS OF LEVY SHIFTING

A levy shift is attractive to county legislative authorities not only because it increases current expense revenues, but also because it increases overall county revenues. This phenomenon occurs because the road levy is assessed only in the unincorporated area of the county, whereas the current expense levy is assessed countywide, including incorporated cities and towns. It is possible, though yet uncommon, for the road department to be reimbursed for its resultant losses after a levy shift and for current expense to profit solely from the revenues generated from the increased extent of the assessment base.

3.D. STATE AUDITOR'S OFFICE GUIDELINES

The BARS Manual includes a section that contains guidelines and interpretations of various BARS topics, including the discussion of diverted county road taxes. The State Auditor's Office amends and adds to these guidelines from time to time as needed. In the near future, guidelines for the implementation of GASB 34 will be added.

3.E. GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 34

The Governmental Accounting Standards Board (GASB) is a private, non-profit organization formed in 1984 to develop and improve accounting and financial reporting standards for state and local governments. Governments must follow GASB standards to earn "clean" audits. Over the years, GASB has issued a number of "statements" addressing various aspects of governmental financial accounting and reporting. Virtually all of them have held little interest for County Engineers and Public Works Departments. That is, until Statement No. 34 (GASB 34) was issued in June 1999.

This statement introduces a major change to the governmental financial reporting that is done. Its purpose is to "…enhance the understandability and usefulness of the general purpose external financial reports of state and local governments to the citizenry, legislative and oversight bodies, and investors and creditors".[6]

The portion of GASB 34 that impacts Public Works Departments is the requirement to report all infrastructure assets. Traditionally, state and local governments have not

[6] GASB Statement No. 34, June 1999.

been required to report general infrastructure assets (roads, bridges, etc.) in their financial statements. In an effort to provide a "private-sector-like" focus to governmental financial statements, GASB 34 requires that all capital assets, including general infrastructure assets, be capitalized in the financial statements at their historical cost or estimated historical cost. In general, this requirement applies retroactively to major infrastructure assets that were acquired after June 15, 1980, or that received major renovations, restorations, or improvements since that date. Once the infrastructure assets have been capitalized, they then can be reported annually using either depreciation or the "Modified Approach", which requires documentation that the assets are being maintained in an acceptable manner.

In Washington state, local agencies will begin using GASB 34 requirements and procedures when reporting in 2003 for the 2002 fiscal year.

3.F. INTERFUND LOANS

The State Auditor's Office considers it permissible to make interfund loans of "those municipal moneys which are clearly inactive or in excess of current needs **and** legally available for investment". Minimum acceptable procedures have been established for making and accounting for interfund loans:

1. The legislative authority must, by ordinance or resolution, approve all interfund loans. The authorization for the loan must include a planned schedule of repayment of the loan principal and must set a reasonable rate of interest to be paid to the lending fund.
2. Interest should be charged in all cases, unless (1) the borrowing fund has no other source of revenue other than the lending fund; or (2) the borrowing fund is normally funded by the lending fund.
3. The borrowing fund must anticipate sufficient revenues to be in a position over the period of the loan to make the specified principal and interest payments as required in the authorizing ordinance or resolution.
4. The term of the loan may continue over a period of more than one year, but must be "temporary" in the sense that no <u>permanent diversion</u> of the lending fund results from the failure to repay by the borrowing fund. A loan that continues longer than three years will be scrutinized by the auditor for a "permanent diversion" of moneys. (Note: these restrictions and limitations do not apply to those funds which are legally permitted to support one another through appropriations, transfers, advances, etc.)
5. Appropriate accounting records should be maintained to reflect the balances of loans in every fund affected by such transactions.

STATUTORY NET DISTRIBUTION OF MOTOR VEHICLE FUEL TAX

(RCW 46.68.090)

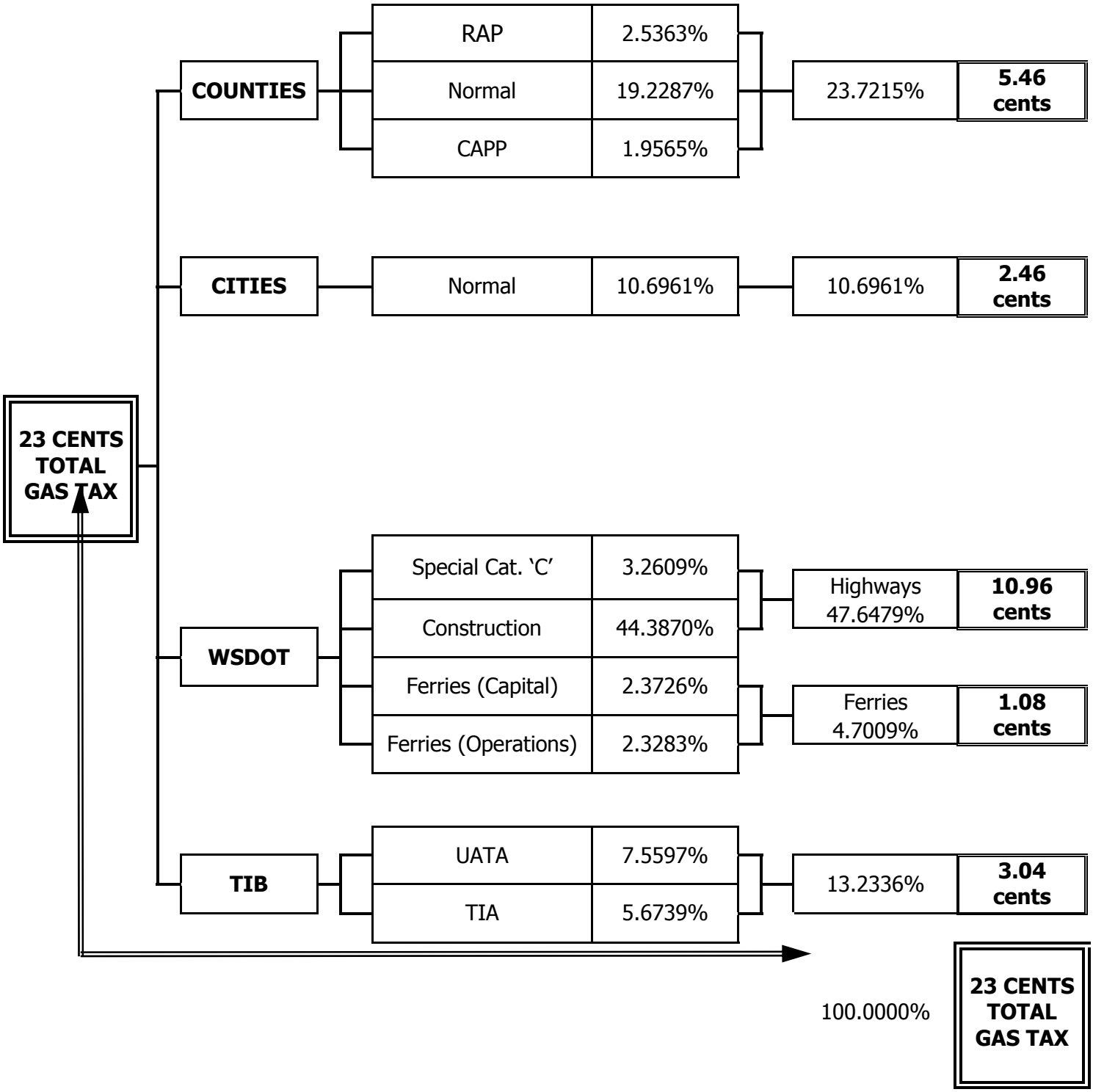

Figure 3-1

MOTOR VEHICLE FUND – SUMMARY DISTRIBUTION TO COUNTIES

(RCW 46.68.070)

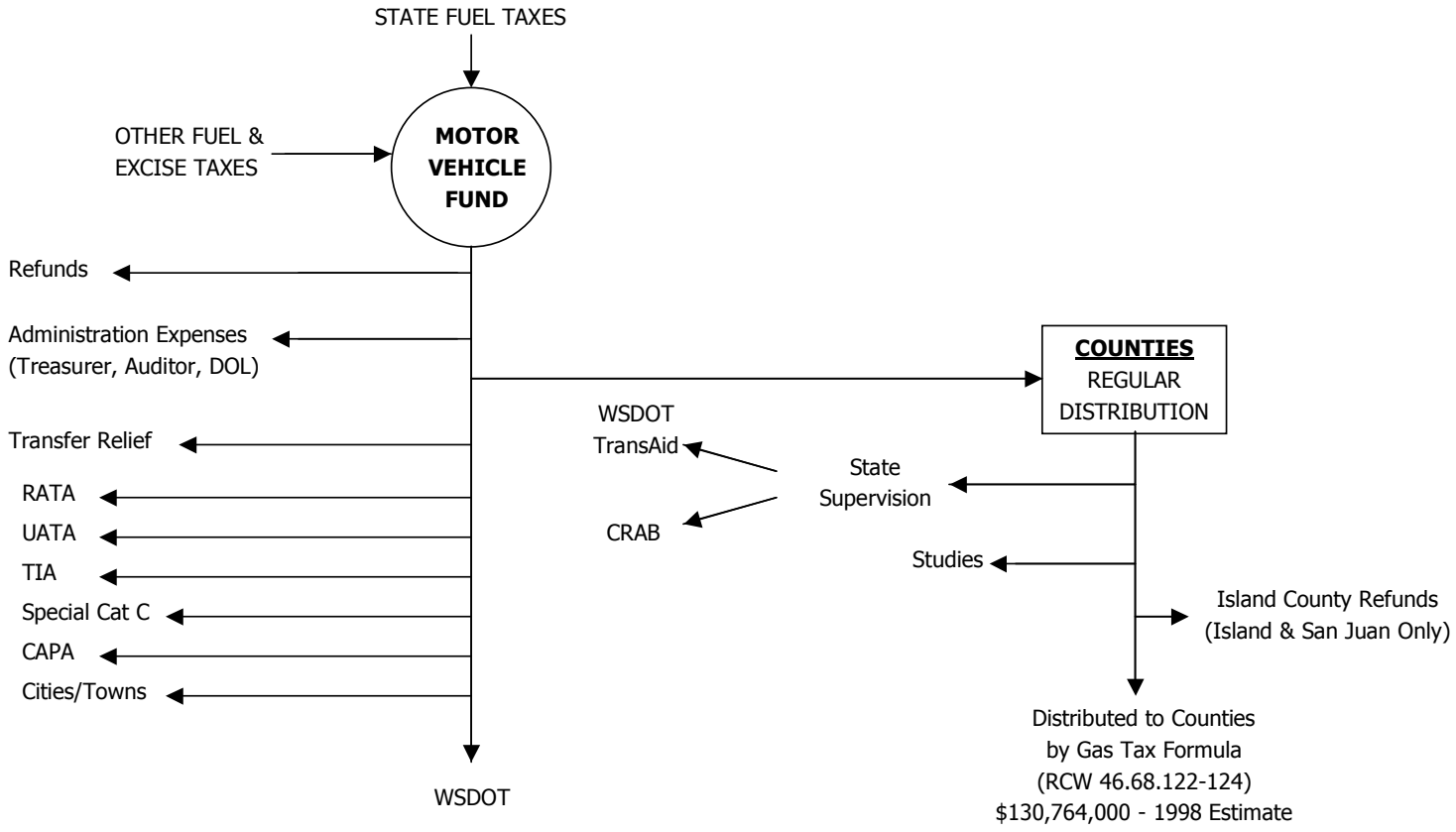

Figure 3-2

COUNTY GAS TAX DISTRIBUTION FORMULA

(RCW 46.68.122-124)

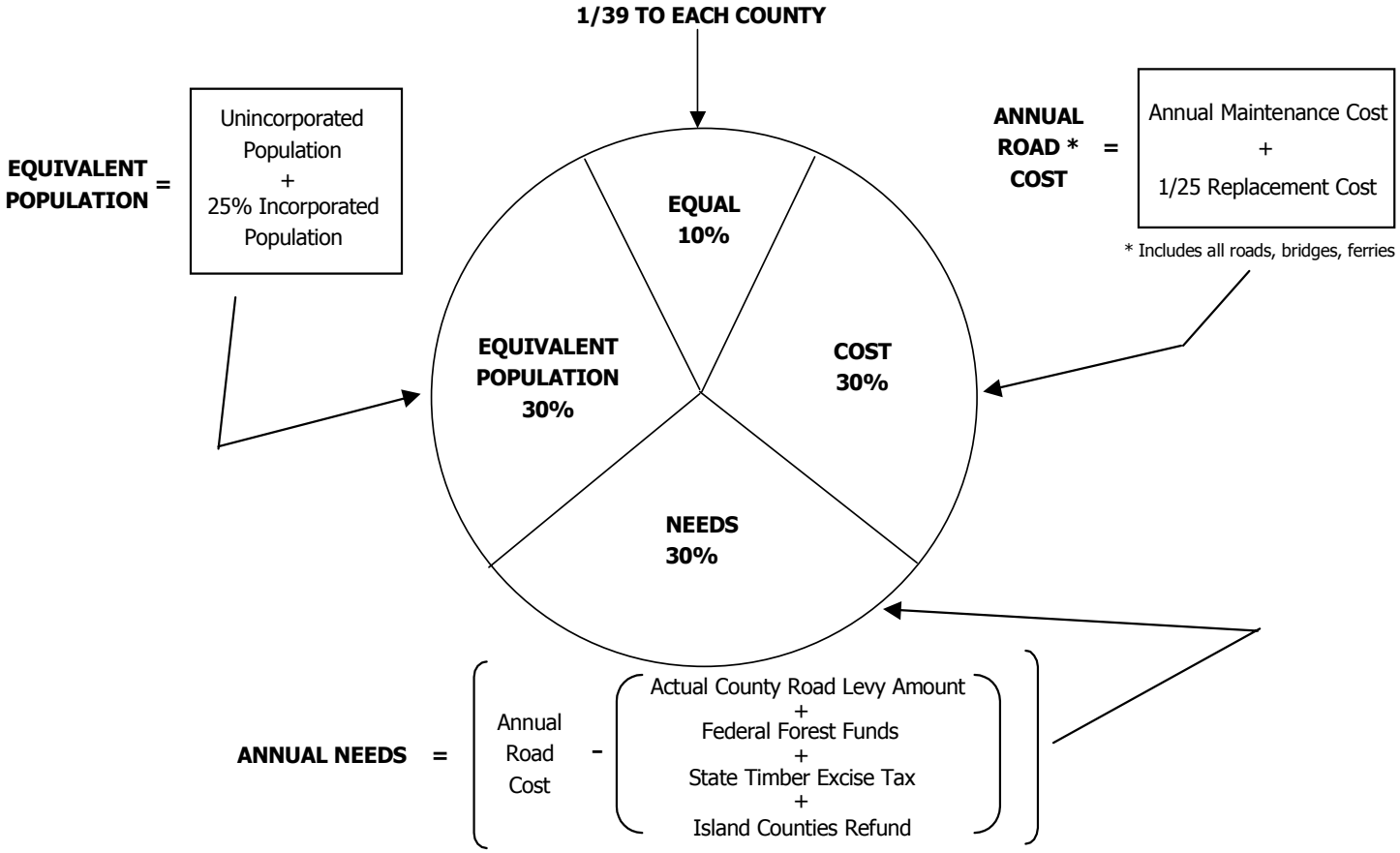

Figure 3-3

RAP BIENNIAL AND ANNUAL PROGRAM CYCLES

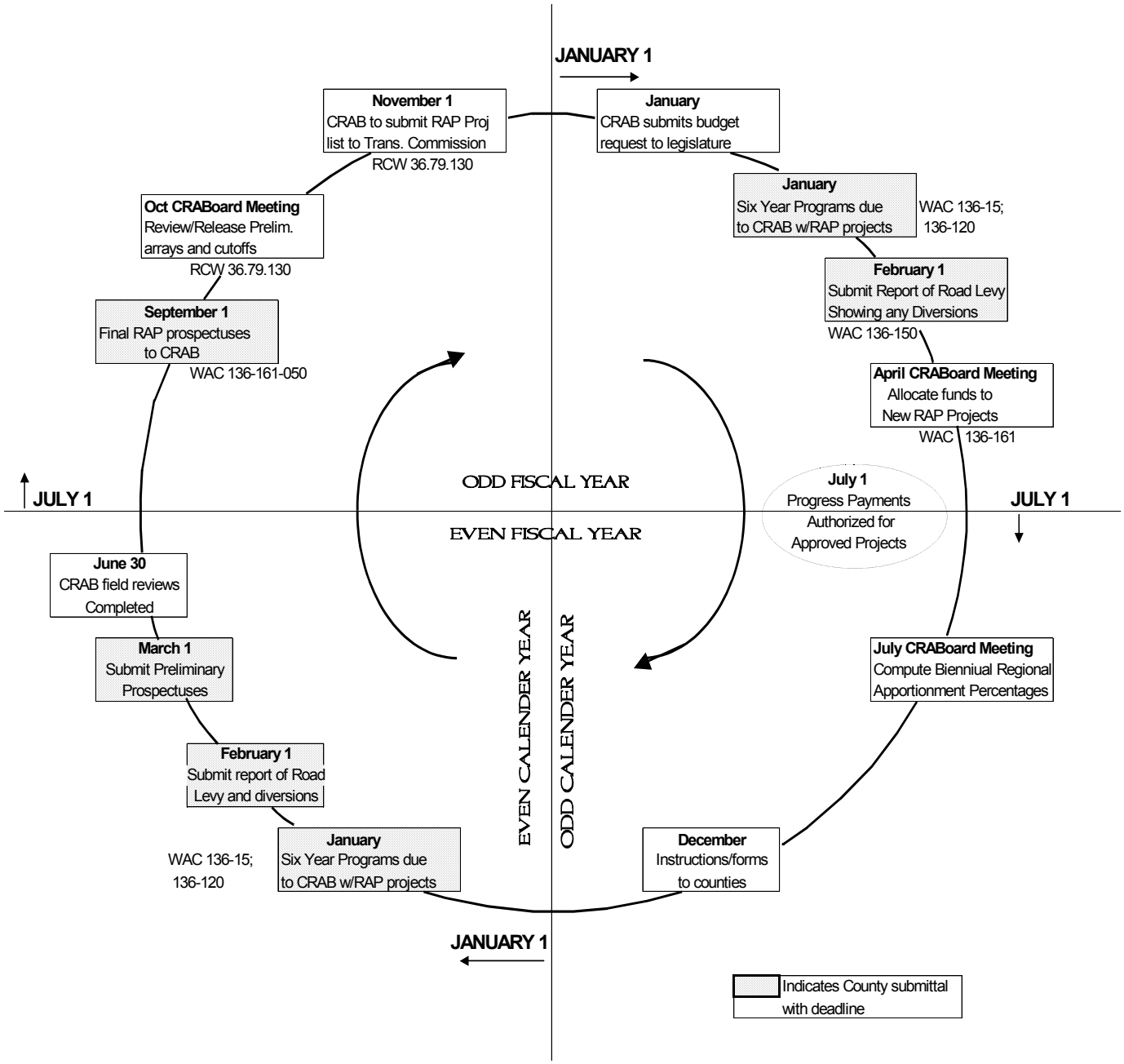

Figure 3-4

Purchasing in Washington Counties

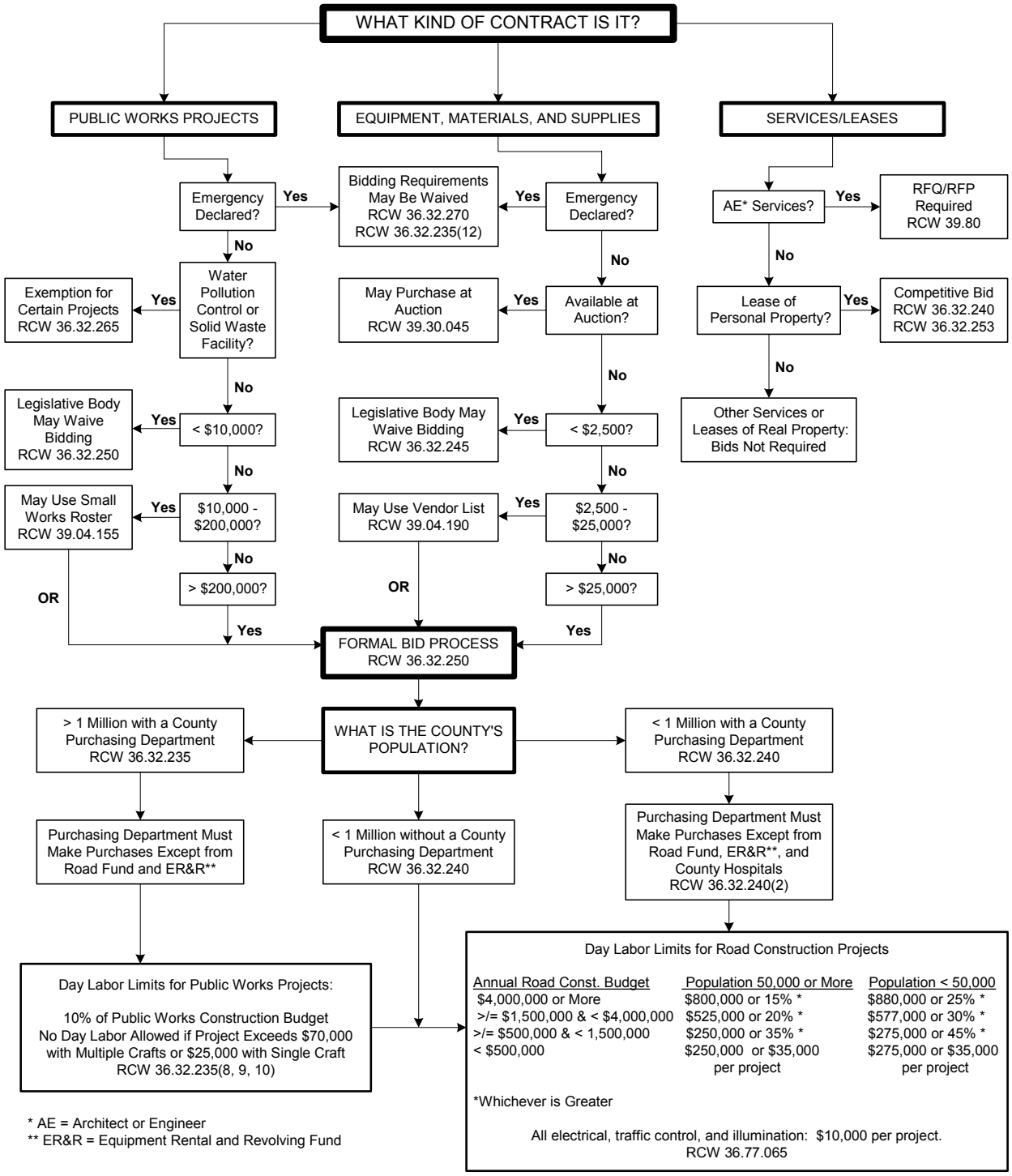

Figure 3-5

4.A. OVERVIEW

With limited revenues, mounting growth and congestion, more stringent construction requirements, and escalating environmental awareness, the program development and project selection process is coming under increased scrutiny. This is an arena where the pro-growth and the anti-growth forces often collide and the County Engineer is in the middle of the fray – responsible for providing a professional product while protecting both the citizens and the county.

4.B. GENERAL PLANNING REQUIREMENTS

All counties in the state have the authority to adopt a comprehensive plan. Those counties meeting the population and rate of growth thresholds of the Growth Management Act are required to develop a comprehensive plan based on specific criteria. Any county adopting a comprehensive plan must include a circulation or transportation element that is consistent with the land use element. The steps for developing the GMA transportation element are germane to any good planning process and should be generally followed even for non-GMA plans. The hallmark of any planning effort is a major emphasis on public participation at every step in the development of the plan.

4.B.1. The Planning Enabling Act of 1959

The original Planning Enabling Act of 1959 first defined the establishment of the planning commission and gave the counties authority to voluntarily enact official controls, such as subdivision regulations and zoning districts. Any county exercising this authority is required to have, at a minimum, an adopted comprehensive plan containing at least a land use element, a coordinated circulation element, and necessary supporting maps and documents [RCW 36.70.330].

4.B.2. The Growth Management Act of 1990

In 1990 – in response to rapid population growth and concerns with suburban sprawl, environmental protection, quality of life, and related issues – the Growth Management Act was adopted by the Legislature and codified as RCW 36.70A. For counties meeting the thresholds of population and growth rates, comprehensive planning and the enactment of official controls became mandatory. The most notable effect was that <u>all</u> counties were required to enact regulations for the preservation of environmentally sensitive sites (critical areas) and for the protection of agricultural, forest, and mineral resource lands.

Twenty-nine of the 39 counties are required or have chosen to plan under the GMA. These counties include about 95% of the state's population. Although the GMA provides that counties are regional governments and cities are the primary providers of urban governmental services within urban growth areas, approximately 42% of the state population lives in the unincorporated areas where they likely receive government services from a county.

The GMA provides a framework for regional coordination, and counties planning under the GMA are required to adopt countywide planning policies to guide plan

adoption within the county and to establish urban growth areas (UGAs). Local comprehensive plans must include the following elements: land use, housing, capital facilities, utilities, transportation, and, for counties, a rural element. Shoreline master program policies are also an element of local comprehensive plans.

The GMA establishes the primacy of the comprehensive plan. The comprehensive plan is the starting point for any planning process and the centerpiece of local planning. Development regulations (zoning, subdivision, and other controls) must be consistent with comprehensive plans. State agencies are required to comply with comprehensive plans and development regulations of jurisdictions planning under the GMA.

Three Growth Management Hearings Boards resolve disputes concerning comprehensive plans and development regulations adopted under the GMA. The Governor has the authority to impose sanctions on cities, counties, and state agencies that do not comply with the GMA, as determined by a hearings board. These sanctions can include the withholding of a portion of MVFT, Urban Arterial Trust Account, Transportation Improvement Account, and Rural Arterial Trust Account funds. Counties not in compliance with the GMA also may not apply for Public Works Trust Fund loans or Centennial Clean Water grants and may receive less favorable reviews when applying for other state grant and loan programs.

Since the initial adoption of the GMA, Washington's population has increased by 1.4 million. Coordination among state and local governments has increased, with greatly improved data sharing, conflict resolution, and development of sustainable solutions to problems with economic development, water quality degradation, infrastructure financing, regional transportation capacity, catastrophic flood and fire damages, loss of natural resource lands, housing affordability, and jobs-to-housing balance.

Most communities are using their comprehensive plans and development regulations to make and stick to decisions about growth and development, while continuing to monitor, update, and improve their growth management work. The role of counties as providers of regional services and of cities as primarily providers of urban services is well defined. GMA is widely used as a framework for other state statutes and policies related to land use practices, environmental protection, and sustainable development.

GMA COMPREHENSIVE PLANS[7]

Under the GMA, each city and county is to adopt a comprehensive plan identifying where and how growth needs will be met. Adjacent jurisdictions are required to have plans that are consistent. These plans then provide the basis for many of the policies, regulations, and budget decisions that cities and counties will make.

Some of the benefits of having effective GMA comprehensive plans are:

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- Cities and counties integrate decisions about land uses, transportation, water capacity, public facilities, natural resources, environmental protection, economic development, housing, and other issues.
- Fiscal accountability is built into GMA plans. Local governments identify the capital facility needs, along with estimated costs and revenues for each facility. Planning for these facilities is linked with land use decisions about the location and density of population growth.
- Developers and citizens know what to expect as communities make clear decisions and as jurisdictions coordinate with each other and with local districts that provide service.

Most communities planning under the GMA have completed their first comprehensive plans. They are beginning to carry out the goals and policies of the plans through development regulations. Under the GMA, development regulations are to be consistent with the comprehensive plan.

Many local governments are now monitoring their plans to make sure the goals and policies adopted are managing growth in a way that will achieve their vision for the future. Under the GMA, communities are to continually review and evaluate their comprehensive plans. They are to review and revise their comprehensive plans at least every five years after the year 2002 to make sure they meet the goals and requirements of the GMA. Local governments can amend comprehensive plans once a year.

Although many of the GMA activities are taking place in planning departments, it is essential for the County Engineer and/or Public Works Director to be involved in the overall development of the plan since transportation is a large piece of the puzzle.

URBAN GROWTH AREAS (UGAs)

The Urban Growth Areas (UGAs) required by RCW 36.70A.110 are intended to reduce sprawl by predetermining where urban density growth will occur over the next twenty years. UGAs are designated by a county, with input from towns and cities. The UGA is one of the major tools provided by the GMA for shaping where urban development should be encouraged and where the limits to that growth should end. UGAs are areas where growth and higher densities are expected and are supported by urban services. This will allow for better infrastructure planning and concentration of financial resources. Also, by directing growth into urban areas, natural resource areas, such as farms and forestlands, can be conserved and the rural character of rural lands can be maintained.

Counties, in consultation with cities, assign expected population growth to UGAs. The UGA must include all incorporated cities or towns and often additional areas needed to accommodate urban growth for the 20-year projected population increase determined by the state's Office of Financial Management.

A county should be able to anticipate which facilities will be annexed by cities and should seek to establish cost-sharing responsibilities. The urban growth area generally contains much of the county's commercial tax base. Formally associating

urban growth areas with specific cities may accelerate the erosion of the counties' tax base through annexations.

GMA AND TRANSPORTATION[8]

Under GMA, transportation plans need to be consistent with the community's comprehensive plan. In addition, regions are to agree on a framework for transportation facilities and strategies. At the countywide level, cities and counties agree on broad transportation facility needs and priorities. At the local level, communities look at how people and freight will be moved from place to place, what destinations people will choose, and what types of transportation will be offered.

Communities also determine level of service (LOS) standards for automobiles, transit, and non-motorized modes such as bicycles and pedestrians. LOS standards should be an estimate of the expected quality and efficient performance of transportation facilities in a community. When a community identifies the LOS it is willing to provide, it determines how these services and systems will be expanded to serve the forecasted growth.

New housing, commercial, and industrial projects need to be developed in a manner that assures that the roads and other infrastructure supporting the project are in place or scheduled for completion when the project is complete. This is the basis of GMA's concurrency requirement.

- **The Transportation Element:** RCW 36.70A.070(6) requires that each comprehensive plan prepared in compliance with the GMA includes "A transportation element that implements, and is consistent with, the land use element". The transportation element must address the following:
    1. Land use assumptions used in estimating travel;
    2. Estimated traffic impacts to state-owned transportation facilities;
    3. Facilities and services needs, including (a) an inventory of air, water, and ground transportation facilities and services, (b) level of service standards for all locally-owned arterials and transit routes, (c) Level of service standards for all state-owned transportation facilities, (d) Specific actions and requirements for bringing into compliance locally-owned transportation facilities and services that are below an established level of service standard, (e) 10-year traffic forecasts, and (f) identification of state and local system needs to meet current and future demands.
    4. Finance, including (a) an analysis of funding capability, (b) a multiyear financing plan based on the needs identified in the comprehensive plan, and (c) if necessary, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;
    5. Intergovernmental coordination efforts; and
    6. Demand-management strategies.

[8] OCD, Growth Management Program

The degree of involvement of public works departments in developing the transportation element covers the range from doing it all to hiring a consultant. Public participation is central to meeting the requirements of GMA. Although the SEPA/EIS process is suggested as a means to structure the development of the plan, GMA infers that enhanced public participation goes beyond that required by SEPA [WAC 36.70A.140]. The hearings boards appear to interpret this as requiring the county legislative authority to adopt a written procedure for enhanced public participation. If your department is taking the responsibility for public participation, be sure to review this part of GMA. Also, WAC 365-195-325 contains recommendations for preparation of the transportation element of the comprehensive plan.

GMA directly affects the development of the Six-Year Transportation Program required by RCW 36.81.121 because the transportation element and the six-year plan must be consistent. [RCW 36.70A.070(6)(c)] The capital facilities portion of the program must first address the deficiencies identified in the plan. Highway deficiencies are identified by establishing a level of service (LOS) standard and making a ten-year traffic forecast based on the land use alternatives. The transportation element must demonstrate that there are sufficient financial resources available to provide the adopted LOS over the first ten years of the plan. This financial sub-element is to form the basis for the Six-Year Transportation Program. [WAC 365-195-325.(6)(c)(ii)]

- **Level of Service (LOS):** The requirement to maintain highway capacity at an adopted level of service [WAC 365-195-325] has been a major challenge in transportation planning. As traffic volumes continue to increase faster that population growth, and financial resources are inadequate to meet the demands for new capacity, trade-offs must be made between growth and uncongested highways.

  The adoption of level of service standards is a policy decision that establishes the accepted level of congestion for different classes of roads. It appears that most counties are using the traditional approach of calculating level of service from the Highway Capacity Manual. Some counties with large urbanized areas are using corridor-averaging methods, where the capacity of parallel roads of the same functional class is combined into one measure. Because GMA was originally aimed at urban growth problems, the LOS standards favor a volume to capacity approach. In areas where there is adequate capacity, come counties are developing standards that address the condition of the road. These standards are based on such considerations as thresholds for different surface treatments and adequacy of the road for year-round goods movement.

  It is important to remember that it is the county's responsibility to correct existing deficiencies and the developer's to mitigate any future deficiencies attributed to a specific development. Given that the plan must be financially constrained, it becomes the county's responsibility to bring a currently deficient road up to the LOS standard within the first six years of the plan. While denying development permits because of current deficiencies would not negate the validity of the plan, it probably would not be politically acceptable. GMA

would suggest either readjustment of land use policies or reduction of LOS standards.

- **Concurrency Management:** One of the GMA's main features is the requirement for concurrency management, providing adequate public facilities for new development at the time of occupancy. [WAC 365-195-835] The definition of adequacy is developed locally and is measured by Level of Service (LOS) standards. In order for the plan to be accepted, the financial elements of the plan must demonstrate that sufficient funds are available to support development at the adopted LOS standards.

  Development permits must be denied if essential public facilities cannot be made available at the time of development. In the case of county roads, the adequacy of facilities is defined as having sufficient capacity to operate at the adopted level of service standard. Since only arterials and transit routes are required to have established LOS standards, concurrency management can only apply to those roads. This would necessarily exclude local access roads from concurrency management systems. Condition and performance of these roads would have to be addressed at the SEPA review level.

GMA AND DEVELOPMENT REGULATIONS[9]

Development regulations, such as zoning and subdivision ordinances, are local ordinances that carry out comprehensive plans. Before the GMA, many Washington cities and counties had land use regulations that were developed a piece at a time, not necessarily consistent with each other or based on a set of common goals. Some jurisdictions had no local regulations for development. Now, the GMA requires local governments planning under the GMA to adopt development regulations that carry out and are consistent with the comprehensive plan as well as the GMA itself.

Development regulations should take comprehensive plan policies to a more specific level of detail and clearly spell out rules for development, both for people who are developing and for people who will be affected by the development.

4.B.3. Regulatory Reform

In 1995, ESHB 1724 was passed by the State Legislature and codified as RCW 36.70B, Local Project Review. This statute is commonly referred to as "Regulatory Reform". It required local governments to make major changes in land use permitting and environmental review. It simplifies and standardizes permit processes so citizens and developers will know what to expect and when it will happen. It also coordinates the state's land use and environmental laws and makes other changes to the laws.

Under Regulatory Reform, local governments are to establish a consolidated permit system. They are to combine environmental review with permit review. A proposed project is to be reviewed just once, reducing the time it takes to get

[9] OCD, Growth Management Program

permits. Local governments also are to reduce the number of public hearings required to get a permit or appeal a permit decision.

In addition, local governments planning under the GMA need to meet specific deadlines set out in the law for: (1) notifying permit applicants if applications are complete; (2) issuing permits; and (3) notifying the public once an application has been received.

To streamline permitting, local governments are encouraged to do more detailed environmental review during the comprehensive planning process to cut down on the environmental analysis needed when individual development projects are reviewed later.

The law also makes the goals and policies of each local government's shoreline master program a chapter of its growth management comprehensive plan.

CONSISTENCY WITH DEVELOPMENT REGULATIONS:

RCW 36.70B.040 requires a proposed project to be consistent with a local government's development regulations or, in the absence of applicable development regulations, appropriate elements of the comprehensive plan adopted under RCW 36.70A. Consistency is determined by considering the following:

1. Type of land use;
2. Level of development (density);
3. Infrastructure and services needed to serve the development; and
4. Characteristics of the development.

Where the above topics have already been addressed in the plan or development regulations, the review process cannot go back and re-examine alternatives within the specific application review process. If flaws are discovered the correct procedure is to amend the regulations and/or plan, but this cannot delay or change the application's review. Given the uncertainty of the timing and intensity of land development, plan policies and development regulations need to be flexible in order to capture this uncertainty.

DEVELOPMENT AGREEMENTS:

RCW 36.70B.170 authorizes local governments to enter into a developer agreement with a person having "ownership or control of real property" within its jurisdiction. The agreement must:

> *"…set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement."*

RCW 36.70B.170(4) specifically states:

> *"The execution of a development agreement is a proper exercise of county and city police power and contract authority. A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. A development*

agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety."

Developer agreements, properly written, should protect both the developer and the county.

CONCLUSION:

Overall, regulatory reform has as its goal the simplification of the development process by predetermining what impacts result from general categories of development and what mitigation measures are appropriate for those categories. Then, during project review, assessment of impacts and necessary mitigation measures should be predictable for projects that fall within general criteria.

4.B.4. Regional Planning Organizations

There are two types of regional transportation planning organizations in Washington State, the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Organization (RTPO). The MPOs are in urban areas designated by the governor for the use of federal planning funds to develop transportation plans. The RTPOs are voluntary associations of local governments within a county or within geographically contiguous counties, for the purpose of establishing a coordinated planning program for regional transportation facilities as authorized by the Growth Management Act. Figure 4-1 shows the boundaries of the regional planning organizations in Washington state.

METROPOLITAN PLANNING ORGANIZATIONS (MPOs)

A Metropolitan Planning Organization (MPO) is a committee of local government officials established for the purpose of making transportation-related decisions at a regional level.

The 1974 Federal Aid Highway Act mandated the creation of an MPO in each area required to have a continuing, cooperative, and comprehensive (3C) planning process. In response to the need to coordinate federally funded projects in urbanized areas, the 1992 Act mandated that all urbanized areas over 50,000 in population establish a 3C planning process. This, in effect, also required them create MPOs.

Once an MPO has been formed, federal planning funds are available to carry out transportation planning functions within the urban area. The MPO discusses and votes on transportation issues of region-wide significance and decides which local transportation projects should be implemented. One of the ways in which this is accomplished is through adoption of a Long Range Transportation Plan that is updated every three to four years. Also, based on the needs identified through the long range planning process, the MPO develops and adopts a priority list of projects for implementation each year. This list is then used by the WSDOT to develop the State Transportation Improvement Plan.

Those MPOs with populations over 200,000 are called Transportation Management Areas or TMAs and have greater responsibilities, mainly dealing with air quality issues.

REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS (RTPOs)

RTPOs are authorized by RCW 47.80.020 and are an extensions of the MPO concept that creates a statewide organizing structure for the coordination of transportation planning through the use of regional policy boards in the less urban areas.

The RTPO is a formal organization with the voting membership composed of counties, cities, and towns within the region. The RTPO must encompass, as a minimum, all counties within the region and sixty percent of the cities representing seventy-five percent of the cities population. In urbanized areas, the RTPO and the MPO are one and the same.

Each RTPO is required to create a transportation policy board, which "shall provide policy advice to the regional transportation planning organization and shall allow representatives of major employers within the region, the department of transportation, transit districts, port districts, and member cities, towns, and counties within the region to participate in policy making". [RCW 47.80.040]

Major responsibilities of an RTPO are developing a regional transportation strategy and preparing a regional transportation plan. In addition, the RTPO sets specific direction for development and evaluation of the transportation element of comprehensive plans prepared by member jurisdictions [RCW 47.80.026] and certifies that local transportation elements are conform to GMA requirements and are consistent with the regional plan. [RCW 47.80.030]

In order to ensure statewide consistency in the regional transportation planning process, WSDOT has been given the authority to establish minimum standards for development of the regional transportation plan and to facilitate coordination between and among RTPOs.

All local TEA 21 enhancement funds are ranked by the RTPO for submission to WSDOT. Also, some counties use the RTPO for the competitive selection process for TEA 21 STP funds.

4.C. ENVIRONMENTAL ISSUES

4.C.1. State Environmental Policy Act

The State Environmental Policy Act (SEPA), codified as RCW 43.21C, was adopted in 1971 and directs agency decision makers to consider the environmental consequences of their actions. The Act provides for the orderly dissemination of information concerning agency actions and establishes the administrative process for conducting environmental reviews of planned activities. It is important for County Engineers to be familiar with the types of actions that require SEPA review and how that review is conducted.

WAC 197-11-704 defines "actions" as "…(a) New or continuing activity (including projects and programs) entirely or partly financed, assisted, conducted, regulated, licensed, or approved by agencies; (b) New or revised agency rules, regulations, plans, policies, or procedures; and (c) Legislative proposals". Actions fall within one of two categories.

1. **Project Actions [WAC 197-11-704(2)(a)]**

   A project action involves a decision on a specific project, such as construction or management activity located in a defined geographic area. Projects include and are limited to agency decisions to:

   a. License, fund, or undertake any activity that will directly modify the environment, whether the activity will be conducted by the agency, an applicant, or under contract.
   b. Purchase, sell, lease, transfer, or exchange natural resources, including publicly owned land, whether or not the environment is directly modified.

2. **Nonproject Actions [WAC 197-11-704(2)(b)]**

   Nonproject actions involve decisions on policies, plans or programs. Examples of nonproject actions include:

   a. The adoption or amendment of legislation, ordinances, rules, or regulations that contain standards controlling use or modification of the environment.
   b. The adoption of comprehensive land use plans or zoning ordinances.
   c. The adoption of any policy, plan, or program that will govern the development of a series of connected actions. This does not include policies, plans, or programs that require approval of a federal agency prior to implementation.
   d. Creation of a district or annexations to any city, town, or district.
   e. Capital budgets.
   f. Road, street, and highway plans.

   Note that the Six-Year Transportation Program and the Annual Construction Program fall under "f." on this list.

The key to administration of SEPA is the threshold determination, which is "the decision by the responsible official[10] of the lead agency[11] whether or not an EIS is required for a proposal that is not categorically exempt". [WAC 197-11-797] An environmental checklist [WAC 197-11-960], filled out by the proponent of the action, is used as the basis for this determination. If an EIS is not required, a "determination of non-significance" (DNS) or a "mitigated determination of non-significance" (MDNS) must be granted. Prior to issuing a threshold determination – in many but not all cases – the agency must publish a legal notice of the review in order to allow public comments.

[10] "…that officer or officers, committee, department, or section of the lead agency designated by agency SEPA procedures to undertake its procedural responsibilities as lead agency." [WAC 197-11-788]
[11] "…the agency with the main responsibility for complying with SEPA's procedural requirements." [WAC 197-11-758]

Not everything you do will need to be reviewed under SEPA. Listed under WAC 197-11-800 are the categorical exemptions (exempt from threshold determinations and EIS requirements), which include minor new construction, repairs, and maintenance activities along with many activities in the right-of-way. Part (2)(c) of WAC 197-11-800 appears to exempt most road construction that takes place within the existing right-of-way if it does not significantly increase the road's capacity. There are some exceptions to the categorical exemptions, most notably proposals that are located in environmentally sensitive areas. Restrictions on the list of categorical exemptions are identified in WAC 197-11-305.

Most projects that increase lane width or shoulder width have an associated increase in capacity based on the Highway Capacity Manual. It is your call as to whether it is significant. SEPA was written as a general framework for an environmental review process with a large degree of latitude given to local discretion.

Interestingly, each agency is required to adopt its own rules and procedures for implementing SEPA [WAC 197-11-900]. The details of how the review should be processed will be contained in your local codes. This is where the county will designate the responsible official. The county's thresholds for some categorical exemptions will also be in the local codes.

The major concern is to avoid project delays by challenges based on the lack of a SEPA review. Once the SEPA checklist process is understood, it is not overly time-consuming and can act as a valuable administrative structure for both internal and interagency project review. If a SEPA review is initiated at the last moment, unexpected comments or changes may seriously harm the project or your creditability.

PLANNED ACTIONS:

Planned actions are defined in SEPA, RCW 43.21C.031(2.a), as those projects for which adequate environmental review has already taken place at the plan or subarea plan stage and are therefore exempt from a SEPA threshold determination. Where the impacts of development are known, this designation will streamline the review process. Types of developments eligible as "planned actions" are designated by ordinance.

A word of caution about the concept of "planned actions" and permit review under RCW 36.70A.040 as described above. The idea is that impacts and appropriate mitigation can be determined at the plan or subarea plan level of review. Area wide estimations of impacts, such as traffic volumes from computer models, may understate individual development's need for on-site mitigation. If the projects are exempt from SEPA review, the opportunity to negotiate on-site mitigation may not be available.

COMBINING SEPA AND GMA[12]

More and more jurisdictions are recognizing the benefits of combining SEPA and GMA. When the two laws are combined, local governments can save money, improve environmental protection, and effectively provide for economic development. The benefits of combining SEPA and GMA, rather than complying with them separately, include:

- A savings in tax dollars through more efficient planning and permitting and how public services are provided;
- A reduction in time and cost to developers to obtain permits for many projects;
- A greater certainty about what kinds of developments will be allowed in different areas; and
- A greater degree of environmental protection due to a better understanding of how much growth the natural environment can handle and the cumulative impacts of development to the entire community.

Because the planning framework the GMA provides is stronger than previous planning laws, local governments are able to evaluate and make many land use and environmental decisions during the comprehensive planning stage rather than when permits are considered. If the plans are done well and plan decisions are based on environmental analysis, only those environmental issues about a site that have not been analyzed and addressed in the plan need to be considered for each permit proposed.

The Regulatory Reform Act of 1995 formalizes the shift in emphasis from projects to plans by requiring that local jurisdictions look first to their development regulations before turning to SEPA to mitigate project impacts. Proposals are analyzed to see if they are consistent with the comprehensive plan and the development regulations that carry out the plan. The primary role of SEPA is then to focus on the impacts that have not been addressed or the gaps in existing regulations.

4.C.2. National Environmental Policy Act

The National Environmental Policy Act (NEPA), codified as 42 USC 4321 et seq, was enacted as P.L. 91-190 on January 1, 1970, and established national policies and goals for the protection of the environment. NEPA aims to encourage harmony between people and the environment, to promote efforts to prevent or eliminate damage to the environment, and to enrich the understanding of ecological systems and natural resources important to the country.

NEPA contains "action-forcing" provisions that ensure federal agencies act according to the letter and the spirit of the law. These procedural requirements direct all federal agencies to give appropriate consideration to the environmental effects of their decision making and to prepare detailed environmental statements on recommendations or reports on proposals for legislation and other major federal actions significantly affecting the quality of the environment.

[12] OCD, Growth Management Program

Agencies must establish specific criteria for classes of actions that (1) usually require an environmental impact statement (EIS), (2) normally require an environmental assessment (EA) but do not necessarily require an EIS, and (3) require neither an EA nor an EIS (the "categorical exclusions").

If an action requires an EIS, the agency must publish a Notice of Intent (NOI) and begin the scoping process. Then, the agency prepares the draft EIS (DEIS), solicits comments from affected parties and various governmental entities, and drafts the final EIS (FEIS) after considering the comments received.

The contents of the FEIS must be considered when making a decision on the proposed action. The agency must prepare a record of decision (ROD), a concise statement of its decision discussing its choice among alternatives and the means that will be employed to mitigate or minimize environmental harm. If the agency action does not fall within the category of actions designated as categorical exclusions or requiring an EIS, the agency must prepare an EA. The EA determines whether or not an EIS is needed. If the EA determines that an EIS is not needed, the agency must issue a finding of no significant impact (FONSI) that briefly explains why the agency's action will not have a significant impact on the environment.

Although NEPA requires agencies to take a "hard look" at the environmental consequences of their actions, it does not force them to take the most environmentally sound alternative.

What does this have to do with County Engineers? Any project that involves federal funds or federal permits must comply with NEPA. WSDOT's Local Agency Guidelines (LAG) contains a chapter that specifies the process to fulfill NEPA requirements and how SEPA and NEPA integrate.

4.C.3. Endangered Species Act

The Endangered Species Act (ESA) that was passed in 1973 replaced earlier laws enacted in 1966 and 1969, which provided for a list of endangered species but gave them little meaningful protection. The 1973 law has been reauthorized seven times and amended on several occasions, most recently in 1988. the ESA was due for reauthorization in 1993, but legislation to reauthorize it has not yet been enacted. The program has continued to receive appropriations while Congress considers reauthorization.

The purpose of the ESA is to conserve "the ecosystems upon which endangered and threatened species depend" and to conserve and recover listed species. Under the law, species may be listed as either "endangered" or "threatened". Endangered means a species is in danger of extinction throughout all or a significant portion of its range. Threatened means a species is likely to become endangered within the foreseeable future. All species of plants and animals, except pest insects, are eligible for listing as endangered or threatened. As of January 31, 2001, 1,244 U.S. species are listed, of which 508 are animals and 736 are plants.

The law is administered by the Interior Department's U.S. Fish and Wildlife Service (FWS) and the Commerce Department's National Marine Fisheries Service (NMFS). The FWS has primary responsibility for terrestrial and freshwater organisms, while the NMFS has responsibilities mainly for marine species such as salmon and whales.

Section 9 of the ESA makes it unlawful for a person to "take" a listed species. The Act defines "take" as "…to harass, **harm**, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct." [Emphasis added] The term **harm** has been defined through regulations as "an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation…"

The law places major restrictions on many common past practices in development, construction, logging, and other activities that are consequences of growth. The restrictions have placed major financial burdens on the counties due to increased environmental mitigation costs, more expensive design requirements, and reduced revenues to the counties.

4.C.4. Clean Water Act

The Federal Water Pollution Control Act of 1948 authorized the preparation of comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries and improving the sanitary conditions of surface and underground waters. Since 1948, the original statute has been amended extensively to authorize additional water quality programs, standards, and procedures to govern allowable discharges, and funding for construction grants or general programs. Amendments in other years provided for continued authority to conduct program activities or administrative changes to related activities.

This legislation was originally enacted as the Federal Water Pollution Control Act of 1972, and was amended in 1977 and renamed the Clean Water Act (CWA). It was reauthorized in 1991. The purpose of the CWA is to restore and maintain the chemical, physical, and biological integrity of the nation's water. The Act sets up a system of water quality standards, discharge limitations, and permits.

If a project may result in the placement of material into waters of the United States, a Corps of Engineers' Dredge and Fill Permit (Section 404) may be required. The permit also pertains to activities in wetlands and riparian areas.

If the water quality of a water body is potentially affected by a proposed action, a National Pollutant Discharge Elimination System (NPDES) permit may be required. The Environmental Protection Agency (EPA) is responsible for this program; however, in most cases, EPA has turned this responsibility over the states as long as the individual state program is acceptable. In Washington State, implementation and administration are under the jurisdiction of the State Department of Ecology (DOE).

NPDES PERMITTING PROGRAM

The Clean Water Act requires that all point sources discharging pollutants into waters of the United States must obtain a NPDES permit. While NPDES requirements also apply to wastewater treatment plants, sanitary sewer overflows, and combined sewer overflows, the County Engineer is most likely to become involved with the Storm Water Program. It should be noted that the stormwater program has two components: (1) Quality, which is linked to construction, and (2) Quantity, which is linked not only to construction but also to emergency management because of the flooding issue.

Amendments to the CWA made in 1990 established a two-phased approach to addressing storm water discharges. Phase I relied on NPDES permit coverage to address storm water runoff from: (1) "medium" and "large" municipal separate storm sewer systems (MS4s) generally serving populations of 100,000 or greater, (2) construction activity disturbing five acres of land or greater, and (3) ten categories of industrial activity. The Storm Water Phase II program expands the Phase I program by requiring additional operators of MS4s in urbanized areas and operators of small construction sites, through the use of NPDES permits, to implement programs and practices to control polluted storm water runoff. Phase II lowers the population threshold to 10,000 and the land area threshold to one acre.

The Phase II Final Rule, published in December 1999, impacts stormwater programs in the urban areas of Washington. The final rule extends NPDES permit coverage to the following two categories of storm water dischargers:

1. Operators of small MS4s located in "urbanized areas"[13] as delineated by the Bureau of the Census. A "small" MS4 is any MS4 not already covered by Phase I of the NPDES storm water program.
2. Operators of small construction activities that disturb greater than or equal to one and less than five acres of land.

Small MS4s located outside of urbanized areas, construction activity disturbing less than one acre, and any other storm water discharges can be designated for coverage if the NPDES permitting agency (DOE) or EPA determines that storm water controls are necessary.

With the increasing restrictions of the Phase II program, a large portion of future road construction projects will be expected to meet increasingly stringent requirements. This is a rapidly evolving area as the EPA and DOE try to implement reasonable requirements with a minimum of funding support without solid federal backing. Within Washington State, DOE is trying to develop standards that can work in both urban and rural areas, while also accounting for dramatic differences in rainfall and climate. This is a critical area being defined and refined that needs active participation by all County Engineers.

[13] Although the full definition of an "urbanized area" is complex, the Bureau of the Census general definition is "a land area comprising one or more places – central place(s) – and the adjacent densely settled surrounding area – urban fringe – that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile."

4.D. FEDERAL FUNCTIONAL CLASSIFICATION

Each county is required to classify and designate a "primary road system" that follows the federal functional classification system. [RCW 36.86.070] The federal system creates a hierarchy of road functions based on the relative characteristics for providing mobility and/or access to land. Arterials provide the highest degree of mobility (higher speeds/reduced travel times) and very limited access to land; collectors generally provide equal emphasis upon mobility and land access; local access roads emphasize land access in lieu of mobility.

Proper functional classification of an agency's roads is important to ensure that available funding is directed to meet the travel and access needs of the public as defined by the classification system, and to further guarantee that construction and reconstruction activities are done to the appropriate standards.

4.D.1. Relationship to Design Standards

The functional classification of a road has a direct effect on the applicable design standards that are used for both new construction and reconstruction. (See Section 5.C.4.) Because of speeds, travel times, and volume considerations, arterials typically have the highest road design standards. Local access roads are usually built to lower standards since the traffic speeds and volumes are much lower.

4.D.2. Relationship to the Statewide System

For other than local access roads, the federal functional classification designations are managed by WSDOT in conformance with federal standards. Each county is periodically provided current maps showing the federal functional classifications, based upon the official designations maintained by the WSDOT Planning & Public Transportation Office in Olympia. Specific guidelines and criteria for each of the arterial/collector classifications are published by WSDOT[14]. Changes in classification may be requested by local agencies based on changed conditions and are evaluated against the published criteria. There are federally-imposed percentage limitations on a statewide basis regulating the mileage in any particular non-local-access functional classification. Washington is very near or at these limits, which means that any increase of mileage in any particular functional class may require an equal reduction in another class. Although the limits are based on statewide totals, WSDOT's current policy is to insist that such 'offsets' be within each agency's road system. All agencies are encouraged to periodically evaluate their road and street systems to ensure their networks are properly classified.

4.D.3. Relationship to Federal Aid Eligibility

In addition to the federal functional classifications, there exists a concurrent Federal Aid System which – except for rural minor collectors which are <u>not</u> federal aid eligible – matches the arterial/collector system. In general, a road must be functionally classified as an arterial or collector to be included in the Federal Aid

[14] *Guidelines for Amending Urban Boundaries, Functional Classification, and Federal Aid Systems*, WSDOT, August 1990.

System and thus be eligible for federal funds. (One notable exception is in the Federal Bridge Replacement program which currently requires that at least 15% of all the Bridge Replacement (BR) funds received by the State be spent on bridges off the Federal Aid System.) Other state construction grant programs such as the Urban Arterial Program, the Rural Arterial Program, and the County Arterial Preservation Program also are limited to the higher functional classifications.

4.E. PROJECT PROGRAMMING

Washington counties continue to experience a political and economic climate in which an effective process for identifying and prioritizing projects and allocating transportation resources is crucial. Rapid growth, limited funds, increasing competition for funding, and renewed public involvement make it increasingly important that this process be objective, systematic, and defensible.

4.E.1. Needs Identification

Identification of needs begins with an accurate inventory of transportation system components. Once an inventory is in hand, the condition and performance of the system can be determined using generally accepted methods. Various Management Systems are available for counties to use in evaluating both condition and performance. Systems of primary interest to counties include:

PAVEMENT MANAGEMENT

A pavement management system (PMS) is a systematic method used to manage the preservation, rehabilitation, and maintenance of paved road systems by analyzing pavement life cycles; to assess overall system performance and costs; and to determine the alternative strategies and costs necessary to prevent significant road deterioration. A key element of an effective PMS is its ability to provide pavement preservation alternatives based upon a predictive pavement deterioration model.

WAC 136-70 requires all counties to use a PMS to "guide the pavement preservation and rehabilitation activities on all county paved arterial roads". Counties must a computer-based PMS that meets the requirements of WAC 136-70-040. The condition data obtained must be provided to CRAB, which has responsibility for maintaining the statewide pavement condition data file, organized by county. Use of a PMS is a Standard of Good Practice and is required to maintain eligibility for CAPP funds.

BRIDGE MANAGEMENT

Bridges of many kinds are an integral part of every county road system. The safety and adequacy of these bridges is of vital importance to the traveling public. A program of regular periodic inspection and reporting is necessary to fully inform each county legislative authority about the condition and adequacy of all bridges. WAC 136-20-020 requires that the county engineer "have available in his or her office a complete inventory of all bridges on the county road system". This data must be submitted to WSDOT for the State of Washington Inventory of Bridges and Structures (SWIBS). In addition, the county engineer is responsible for all routine and special inspections of all bridges on the county road system in

accordance with the National Bridge Inspection Standards (NBIS) as promulgated and periodically revised by WSDOT H&LP. Inspection information is to be forwarded to WSDOT annually.

As part of the Annual Certification process, WSDOT H&LP provides to CRAB a listing by county of all county bridges that have not had a regular inspection report submitted within the previous thirty months and/or a required special inspection report submitted within six months of the required inspection date.

SAFETY MANAGEMENT

A Safety Management System (SMS) is a systematic process for providing objective information that helps agencies identify and prioritize safety needs and choose cost-effective strategies to improve the safety of their transportation systems. The purpose of a SMS is to provide consistent and accurate information to decision-makers based on actual conditions.

In January 1998, WSDOT published a Local Agency Safety Management System guidebook for use by cities and counties. While the guidebook contains a lot of useful information, many smaller jurisdictions felt that it was to complex for them to easily implement. This has led to a renewed effort, in cooperation with the Washington Counties Risk Pool, to develop a basic SMS for counties to use. Once this effort has been satisfactorily completed and the basic SMS implemented by counties, you can expect to see a new Standard of Good Practice addressing the use of SMS in Washington.

MAINTENANCE MANAGEMENT

Very few jurisdictions currently use a formal maintenance management system (MMS). As funds become even more limited and as more emphasis is placed on maintaining the transportation systems that are already in place, this is likely to change. WAC 136-11, while not a Standard of Good Practice, encourages county engineers to apply basic management principles to road maintenance activities and to set forth specific goals and objectives relative to the results to be achieved. CRAB is beginning a program that will result in the future development of a Maintenance Management System for use by the counties as well as a corresponding Standard of Good Practice. (See Section 7.B.)

4.E.2. Priority Programming

Priority Programming is the development and application of techniques designed to rank any array of potential projects in order of importance to serve as a guide in assisting a county legislative authority in the formulation of road programs and the distribution of limited resources.

WAC 136-14-030 requires each County Engineer to "develop a priority programming process tailored to meet the overall roadway system development policy" determined by the county legislative authority. While each county may develop its own process, all processes must include consideration of the following:

1. Traffic volumes;

2. Roadway condition;
3. Geometrics;
4. Safety and accident history; and
5. Matters of significance local importance.

Each county must provide CRAB with a description of the priority programming process used by the county. CRAB will, upon request, provide assistance to counties in the development, evaluation, and/or modification of their priority programming processes. Each year, as part of the Annual Certification process, CRAB reviews each county's ordinance or resolution adopting the six-year transportation improvement program to confirm that the priority array was consulted during development of the program.

A successful priority programming process must be clearly defined and will documented so that the general public and private investors can easily understand it. Public input and review should be encouraged, with the goal of obtaining public consensus on the priority array. In general, the process should include:

- Systematic identification, evaluation, and prioritization of problems;
- Broad review of recommended solutions; and
- Consistent incorporation of results into transportation programs and budgets.

4.E.3. Six-Year Transportation Improvement Program

For more than thirty years, cities and counties have been required to prepare, adopt, and submit 'long-range' advance road and bridge construction programs. For many years, these programs have been required to span a six-year period. Six-year programs must be adopted by the county legislative authority and a copy of the adopted program must be submitted to WSDOT, CRAB, and – for counties containing urban areas – to TIB. [RCW 36.81.121-122] The six-year program must be updated and adopted annually.

BASIC PROVISIONS AND CRAB AUTHORITY

At any time before adoption of the budget, the legislative authority of each county, with the advice and assistance of the county engineer and pursuant to one or more public hearings, shall adopt a comprehensive transportation program for the ensuing six years. The program must include all anticipated road and bridge construction, ferry system capital expenditures, paths and trails projects, and any other specified capital outlays. In addition, the program must contain "…information as to how a county will expend its moneys…for nonmotorized transportation purposes" [RCW 36.81.121(2)] as well as "…information as to how a county shall act to preserve railroad right-of-way in the event the railroad ceases to operate in the county's jurisdiction. [RCW 36.81.121(3)] Finally, the program must include an analysis of road fund revenues and expenditures for each year of the six-year program period. [WAC 136-15-030] The ordinance or resolution adopting the six-year transportation improvement program must contain references to the county's priority array [WAC 136-14] and the engineer's bridge condition report [WAC 126-20]. The adopted program must be submitted to CRAB within thirty days of adoption.

TRANSPORTATION IMPROVEMENT BOARD REQUIREMENTS

If a county has an urban area, a separate section for long-range arterial construction plans is also to be included and submitted to TIB in conformance with their separate instructions.

4.E.4. Annual Construction Program

The annual road program requirement has been around at least as long as the six-year program requirement. The annual road program is typically the first year of the six-year program with additional specifics such as priority, work method (contract or day labor), and new equipment list. The annual road program must be adopted before the actual road budget is adopted.

BASIC PROVISIONS AND CRAB AUTHORITY

By the first Monday in October of each year, the county engineer shall submit a recommended overall road program to the legislative authority. The program must include recommendations for all road and bridge projects and all road equipment purchases for the ensuing year. For construction, a specific list of projects is required, along with cost and method information. [WAC 136-16-020] The recommended plan "... shall conform as nearly as practicable to the county's long-range road program". RCW 36.81.130 requires that the annual program also include the amounts to be expended for maintenance and special maintenance; however details of these proposed expenditures do not have to be included. The county legislative authority shall consider the plan and make revisions and changes until a majority is satisfied and the program is adopted. This adoption must be done before the road budget is adopted, or all budget appropriations are void. [RCW 36.81.130]

Requirements for the Annual Road Program and the Annual Construction Report are contained in WAC 136-16, which is a Standard of Good Practice. The primary purpose of this WAC is to enable CRAB to evaluate counties' compliance with the day labor laws. [RCW 36.77.065]

AMENDMENTS

From time to time, things change and it may become necessary to amend the annual construction program after its adoption. This can be accomplished, but it takes a unanimous vote of the legislative authority. [RCW 36.81.130] The Attorney General's opinion is that this refers to a unanimous vote of the members of the legislative authority who are present when the vote is taken. This clarification is included in WAC 136-16-042. A copy of any revision to the annual road program must be forwarded to CRAB within thirty days of its adoption.

RELATIONSHIP TO ACTUAL WORK

RCW 36.75.050 requires that each construction project initiated be approved by resolution of the county legislative authority. Typically these projects are known as "CRPs" (County Road Projects) and each is uniquely labeled in accordance with the county's own convention. In all cases, there should be a one-to-one correspondence between the authorizing CRP and the current annual construction

program. If you find yourself in the position of requesting a CRP for a project not on the Annual Construction program, first do an amendment.

INCLUSION OF MISCELLANEOUS AND ALTERNATE PROJECTS

To allow flexibility, CRAB's WAC rule provides for some variation to a specific project listing. Up to ten percent of the total construction cost may be contained in a lump sum entitled 'Miscellaneous' or 'Unspecified'. Also, the program may include a section of 'Alternate' projects that may be advanced (by resolution) when specific projects are unavoidably delayed.

4.E.5. Capital Facilities Plans

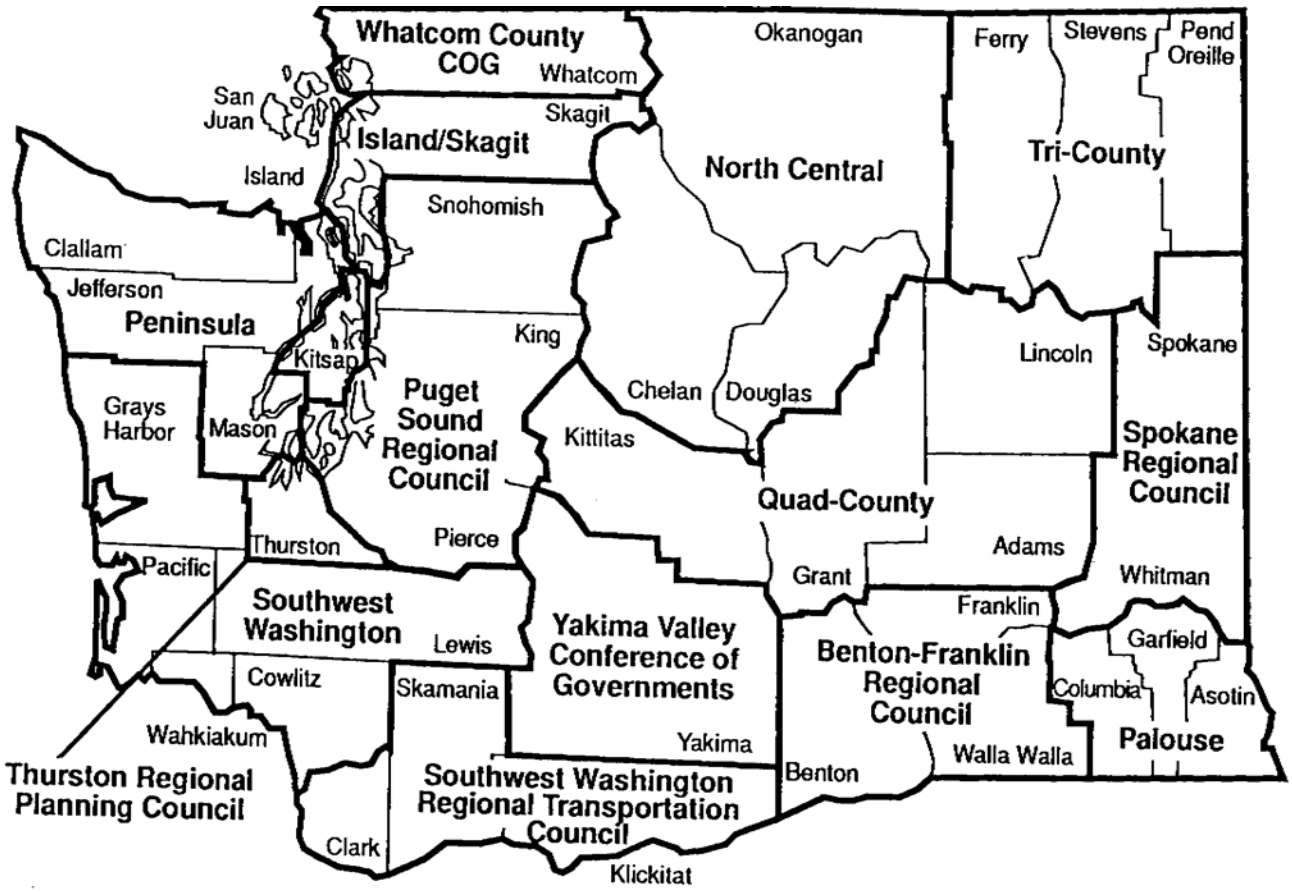
The Growth Management Act requires participating counties to prepare Capital Facilities Plan (CFP) to ensure that necessary infrastructure is available for planned growth. The CFP must include all county facilities (solid waste, parks, stormwater, sewer, water, buildings, roads, etc.) and consists of not only an inventory of capital facilities but also a forecast of future needs and at least a six-year finaning plan. [RCW 36.70A.070] For transportation facilities, the CFP element is essentially an extension of the six-year program requirement.

4.F. PUBLIC INVOLVEMENT

Over the years, involving the public in plans, programs, and projects initiated by Public Works Departments has become commonplace. RCW 36.70A.140 emphasizes "early and continuous public involvement in the development and amendment of comprehensive land use plans and development regulations and implementing such plans". This requires the county to adopt a written plan to inform the public on how and when they can participate in the development of the GMA plan.

Even if your county is not planning under GMA, public involvement has undoubtedly taken on increased importance in recent years. In the past, a legal notice in the newspaper of record was sufficient notice for a public hearing. The new standard is to seek out those stakeholders who have not traditionally been involved and invite them to participate.

REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS



*** Kitsap County is in both the Peninsula and Puget Sound Regional Councils.**

Figure 4-1

5.A. OVERVIEW

Critical to the success of any County Engineer is the successful designing of projects for construction or maintenance. Inherent to this success is the blending of different skills and requirements into a successful project. A large county with a large staff and many projects can afford specialists in each of the various skills. In the smaller counties, a single staff person may be responsible for several very different skills. For a project to flow smoothly from inception, through permitting, right-of-way acquisition, design, and construction, the staff must work seamlessly and be efficiently workloaded. Consultant specialists may prove very beneficial as a cost-effective supplement to staff for some projects.

5.B. TRAFFIC ENGINEERING

One of the most visible responsibilities of the County Engineer is that of traffic engineering and all that entails. Whether or not a county has a designated Traffic Engineer, the ultimate responsibility for traffic engineering issues rests with the County Engineer.

5.B.2. Traffic Control

Traffic control issues are often a major responsibility of The County Engineer, especially if the county does not have a separately designated Traffic Engineer. RCW 47.36.060 states:

> *"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.*
>
> *...The traffic devices, signs, signals, and markers shall comply with the uniform state standard for the manufacture, display, direction, and location thereof as designated by the department [Washington State Department of Transportation]."*

As one might expect, the county engineer is typically the 'local authority' who actually deals with all traffic issues.

<u>WASHINGTON MODEL TRAFFIC ORDINANCE</u>

In 1975, in an attempt to "…encourage highway safety and uniform traffic laws", the Department of Licensing was authorized to adopt a comprehensive compilation of uniform traffic laws that could be adopted by local jurisdictions. Although RCW 46.90 is the enabling statute, the substance of the Washington Model Traffic Ordinance (MTO) is contained in the WAC. The MTO is comprised of WAC 308-330 and all of the state statutes that are adopted by reference in that chapter. New county engineers should immediately ascertain whether or not any or all parts of the MTO have been adopted by their county commissioners or councils.

One benefit of adopting the MTO is that it explicitly establishes the position of Traffic Engineer (and if you don't have one, then the county engineer is the

traffic engineer) and spells out quite clearly what the duties are. The downside to adopting the MTO, as indicated in RCW 46.90.010, is that any statutory changes automatically amend the MTO as well as your adoption thereof, so it becomes important that you track any changes so you know under which rules you are working.

The best source of answers to questions about the MTO is the Municipal Research and Services Center in Seattle.

THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES

Traffic control devices are all signs, signals, markings, and devices placed on, over, or adjacent to a street or highway by authority of a public body or official having jurisdiction to regulate, warn, or guide traffic.[15] The Manual on Uniform Traffic Control Devices (MUTCD) is a compilation of standards published by FHWA to ensure that "…basic uniformity will be obtained in the visible features and functioning of traffic control devices on all highways…" and that "Implementation of standards contained in [the] Manual on all highways open to public travel will be governed by Federal directive". RCW 47.36.020 codifies this requirement for jurisdictions in Washington state:

> *"The secretary of transportation shall adopt specifications for a uniform system of traffic control signals consistent with the provisions of this title for use upon public highways within this state. Such uniform system shall correlate with and so far as practicable conform to the system current as approved by the American Association of State Highway Officials and as set out in the manual of* (sic) *uniform traffic control devices for streets and highways."*

The MUTCD is quite specific as to how the need for traffic control devices is determined and it includes specific instructions as to how devices are to be erected or installed. A major function of the county engineer (or traffic engineer) is to ensure that only those traffic control devices that are warranted are installed, that they are installed correctly, and that they are properly maintained. Failure to do this, and to maintain appropriate records of both installation and maintenance, can lead to expensive lawsuits.

SPEED LIMITS

RCW 46.61.400 sets the basic maximum speed on all county roads at 50 MPH. RCW 46.61.415 grants local agencies the authority to alter speed limits, within certain parameters and under certain conditions. For example, speed limits on county roads can never be increased above 60 MPH nor decreased below 20 MPH. This section should be read thoroughly.

It is also important to be aware of some basic traffic engineering realities when you consider requests for reducing speed limits. Free-flowing traffic will travel in a fairly narrow range of speeds regardless of the posted speed limit; even increased enforcement, unless it is around the clock, will not make a significant

[15] Introduction to the *Manual on Uniform Traffic Control Devices, 1988 Edition.*

difference in how people drive. Any basic traffic engineering text will tell you that the posted speed limits should reflect the 85th percentile of the actual traffic flow. Limits much lower (or higher) will not have much of an effect.

RULES OF THE ROAD

The Washington state "Rules of the Road" are contained in RCW 46.61. In addition to the professional interaction that County Engineers have with these rules (see the speed limit discussion above), it is important to remember that you and all of your staff, especially those employees who operate heavy equipment as part of their road maintenance function, are highly visible to the motoring public and are expected to always follow all of the rules. It's never too soon to provide your employees with both the rules and your expectations to avoid problems.

5.B.3. Accidents and Accident Investigation

Certainly one of the driving forces behind a decision to make a road improvement is the presence of accidents. Most competitive grant programs have an 'accident' component to be considered in a project's position on a priority array, typically a compilation of attributable fatal, injury, and property damage accidents over some time period. Depending upon the nature of the grant program, this component may be the primary consideration or just a part of the whole. If for no other reason, it is important for county engineers to maintain comprehensive and detailed accident records and statistics for their roads.

A more important reason for excellent accident record-keeping is tort liability. Many counties have developed an accident review and investigation process for all serious injury and fatality accidents which, in addition to any State Patrol investigation, documents with appropriate notes, measurements, photographs, etc. all relevant and possible contributory issues such as weather, road surface condition, signs, vegetation, etc. Washington's laws regarding 'joint and several liability' mean that, if an accident victim brings suit, invariably the county will also be named. You will have to prepare exhibits, give depositions and testimony, etc. and undocumented memories will fade. Your risk manager will thank you for having good documentation.

PROCESSING OF ACCIDENT RECORDS

Since the passage of the National Highway Safety Act of 1966, all states, in cooperation with their local governments, collect, compile, and make reports of accident statistics to the National Highway Traffic Safety Administration (NHTSA). In Washington, the Washington State Patrol (WSP) is in charge of the central accident records center. The WSP receives accident reports from all local law enforcement agencies as well as from individual drivers. Periodically, accident reports on county roads are sent to each county by the WSP for location coding by road number and milepost. After such coding, they are returned to the WSP for inclusion in their central registry. Compilation of accurate accident records is an important function of the County Engineer. CRAB has adopted a Standard of

Good Practice outlining the procedure to be used to ensure consistency. [WAC 136-28].

5.B.4. Railroad Grade Crossings

Railroad crossings, especially railroad-highway grade crossings, present their own hazards to the motoring public and, as such, the subject has its own chapter in state statute – RCW 81.53. The state agency with authority over all railroad-highway crossings is the Washington Utilities and Transportation Commission (WUTC). Among its duties are approving or disapproving grade crossings and any alterations to grade crossings, including closures. The WUTC maintains an inventory of all crossings outside of first class cities and has jurisdiction over inspection of both industrial crossings [RCW 81.54] and railroad equipment and property [RCW 81.44.065 and .070]. Maintenance of roadways crossing railroads and their approaches are the responsibility of the local jurisdiction [RCW 81.53.090]. The statute also includes provisions for allocating costs for construction or improvement of highway-railroad crossings [RCW 81.53.100-110].

Another statute addressing railroad crossings with which the County Engineer should be familiar is RCW 36.86.100, which outlines the responsibilities of both the railroad companies and the county legislative authorities regarding obstructions to crossings. Briefly, it is the county's responsibility to inspect and maintain all crossings to ensure motorists have an unobstructed view of an approaching train for a distance of at least one hundred feet in each direction. This section of the RCW also provides counties with the authority to install appropriate traffic control devices in conformance with the MUTCD.

5.C. DESIGN

Design of county road construction projects is usually done by county staff. There are times, however, when a consultant should be contracted to do the design, especially when certain design features require special expertise and will significantly impact project budgets and timelines. A county may also elect to use consultants when the county workload or lack of available staff makes it necessary. Regardless of who designs a project, the process will be similar.

5.C.1. Local Agency Guidelines

The Local Agency Guidelines (LAG) Manual is intended to provide assistance to local agencies as they plan, design, construct, and maintain transportation facilities. The manual is published by WSDOT to provide local agencies with statewide policies and standards to follow when using Federal Highway Administration (FHWA) funds for transportation projects. Chapters 41 and 42, in particular, contain the policies and standards required when a project is receiving federal funds. The manual is not an exhaustive treatment for every design feature that will be encountered, but gives general guidance for roadway section requirements. Specific details for the design of many roadway features are contained in the WSDOT Design Manual. Content of and revisions to the LAG Manual are the purview of the LAG Committee, which is made up of WSDOT, county, and city personnel. CRAB also has a representative on the committee.

Although the design parameters for county roads and bridges are derived from the AASHTO Policy on Geometric Design, the LAG is the best quick reference for county projects.

5.C.2. Preliminary Design

During the Preliminary Design phase, the scope and budget of the project is defined. Potential funding sources are identified and a public involvement strategy is developed. The project is placed on the six-year road program.

PROJECT SCOPE

The county should provide all affected and interested parties (the stakeholders) with information about the proposed project, possible alternatives, and probable environmental impacts, as well as maps and a description of the scoping process. As the project continues with local support and as project funding sources are available, the engineer should conduct a scoping field review with personnel from the maintenance, bridge, finance, environmental, planning, traffic, and safety divisions so that all the deficiencies and potential corrective measures are addressed prior to design. This will prevent expensive add-ons and change orders after final design or during construction of the project. It will also afford the interdisciplinary team an opportunity to discuss funding.

Developing the scope of the project will determine the level of public support, which funding sources to pursue, what the design parameters will be, and whether design deviations are needed.

5.C.3. Final Design

After a project's location and design have been approved, work begins on the final version of its plans, specifications, and cost estimates (PS&E). These documents are used to award and administer a construction contract. See Chapter 44 of the LAG for further details. It is important to remember that FHWA will not approve a project's final design until environmental considerations have been approved and all public hearing requirements have been met. (See Chapter 43 of the LAG.)

A project ultimately will fall into one of four categories:

1R: RESURFACING

A resurfacing project, often done by the county's maintenance department, involves applying a thin overlay or chip seal overlay to extend the life of the existing pavement structure. While surface condition is the primary issue bring dealt with, a few ancillary features, such as culvert cleanouts, ditch reshaping, and spot clearing may be included.

2R: RESURFACING AND RESTORATION

2R projects are primarily pavement preservation or overlay projects that address structural and surfacing deficiencies more intensively as indicated by a pavement

management system. The focus of a 2R project should be to prevent more costly fixes that would occur if the pavement were allowed to deteriorate. Even though safety improvements are not the focus of a 2R project, critical safety and accident areas should be addressed through the accident history and State Patrol records. Some safety upgrades must be made as part of the project. The mandatory elements include upgrading and repair of bridge approach guardrail, removing unneeded guardrail, upgrading guardrail ends, upgrading signing and marking to MUTCD standards, and installing breakaway sign supports and luminaires. Other safety items that should be considered if warranted by accident records are:

- Adjustment of utilities to accomplish clear zone standard
- Beveling culvert ends
- Slope flattening
- Channelization and illumination
- Sight distance improvements

Refer to Chapters 41 and 42 of the LAG and WSDOT Design Manual 410, "Basic Design Level", for further details.

3R: RESURFACING, RESTORATION, AND REHABILITATION

Rehabilitation projects include resurfacing work and also restore all other deficient elements of the road to full design standards. These elements include clear zone, horizontal and vertical curves, width, side slopes, and safety. This type of project stays within the original alignment for 50% or more of the project length.

- Clear zone improvements – The project should establish a standard clear zone (see WSDOT Design Manual Chapter 700) and, therefore, the roadside area should be inventoried to document hazards that are present within the recommended clear zone. Some elements that must be improved are barrier end treatments, bridge approach guardrail, unbeveled or unprotected culvert ends, and non-breakaway sign and luminaire poles.
- Bridges – If bridges are located in the project limits, the engineer should address deck condition and guardrail. A determination of bridge deck protection, whether a membrane or other overlay type such as latex or epoxy, should be made. Standard bridge guardrail should be installed.
- Intersections – Intersections that meet warrants should be channelized, with turning radii designed to accommodate truck or bus needs. Sight distance should also be upgraded.
- Hydraulic design – A determination of the effect of the design flood on the roadway and the necessary protection should be determined, as should the effect of the roadway on the stream (upstream and downstream) and adjacent property. See WSDOT Design Manual Chapters 220 and 240 regarding hydraulic-related environmental permits that may be needed. Other drainage issues are discussed in Chapter 1210 of the WSDOT Design Manual.
- Pedestrian and bicycle access should be addressed.

Refer to Chapters 41 and 42 of the LAG and WSDOT Design Manual 430, "Modified Design Level", for further details.

4R: RECONSTRUCTION AND NEW CONSTRUCTION

Reconstruction projects are designed to full applicable standards based on the functional classification and design speed of the road. Projects that are constructed on new alignment, grade, or profile for 50% or more of the project length are considered reconstruction, as are major widening projects. The primary objective of this type of project as stated in the WSDOT Design Manual Chapter 440 is, "…to move the greatest number of vehicles at the highest allowable speed, and at the optimum safety". Therefore, projects are classified according to the following major design controls:

1. Federal Classification. The county road system is classified by a specific federal functional classification (See Section 4.D.) for which there are specific design standards as discussed in the LAG.
2. Terrain Classification. For purposes of design, the following classifications of terrain are used: (1) level to moderately rolling; (2) rolling – hills and foothills; and (3) mountainous – rugged foothills, high, steep drainage divides, and mountain ranges.
3. Environmental Classification. See WSDOT Design Manual chapter 220 and LAG Chapter 24.
4. Design Speed. Given the terrain classification and the ADT and DHV, this is the maximum speed that the road can be driven on when conditions are so good that the design features of the road are the only ones that control. The factors that determine design speed are functional classification, posted speed, terrain, traffic volumes, accident history, and access control.

Refer to Chapters 41 and 42 of the LAG and WSDOT Design Manual Chapter 440, "Full Design Level", as well as AASHTO's, "A Policy on Geometric Design of Highways and Streets", for further details.

5.C.4. Bridges

Federal bridge replacement (BR) funds are available for seismic retrofit, scour mitigation, painting, and rehabilitation as well as replacement. The bridge replacement program is administered by WSDOT H&LP. The basic eligibility requirements are:

- Bridge length must be 20 feet or greater, measured along the centerline of the roadway.
- The bridge must carry public vehicle, four-wheel traffic.
- All candidates except seismic retrofit projects must be structurally deficient (SD) or functionally obsolete (FO).
- The Sufficiency Rating (SR) must be less than 50 for replacement projects; and 80 or less for painting or scour mitigation.
- There is no limitation on SR and SD/FO for seismic retrofit projects, but the seismic retrofit work is limited to superstructure in-span bridges and joints at piers in Seismic Zones with acceleration coefficients greater than 0.10.

The Bridge Replacement Advisory Committee (BRAC) reviews applications for federal funding. Bridges that rank high enough to gain federal aid through the BRAC are subjected to alternatives reviews by WSDOT and the county to determine the best solution and accurate replacement costs. These reviews include:

- C3R: During this review, a determination is made whether to close, rehabilitate, replace, or repair the existing structure
- Type, Size, and Location (TS&L): For projects estimated to cost $5,000,000 or more, or that face a unique site condition, FHWA may require the county to conduct a TS&L study to determine the overall dimensions of the bridge, the type of structure, and the optimum location
- Value Engineering: C3R review findings may lead to a recommendation for a value engineering study.

BRIDGE DESIGN PARAMETERS

Replacement bridges throughout the state must be designed using HS-25-44 loading if they are federally funded. If there are no federal funds involved, a county may use HS-20-44.

- Design Year: The bridge design year must be twenty years from the design start date.
- Vertical clearances: The clearance over roadways must be sixteen and one-half feet.
- Railroad clearance: The clearance over railroads must be twenty-three and one-half feet.
- Curb to curb width: The minimum width for two-way structures is the design roadway width or the existing roadway width, whichever is greater.
- Length: Two factors may affect the length of a replacement bridge. (1) The bottom of the superstructure must be three feet above the 100-year flood. (2) The abutment and pier location(s) a new bridge generally reduces the existing backwater elevation. In fish-bearing waters, FHWA's acceptable rise in the backwater elevation is 0.2 feet above current conditions, as referenced in WAC 220-110-070(1)(h). For non-fish-bearing waters, the acceptable rise in the backwater elevation is one foot above current conditions.
- ADT is based on a traffic study projecting to 20 years.
- Type: The bridge type selected must be the most economical type based on sound engineering judgment and/or economics. Reducing the number of piers in the streambed and the impact of the abutments on the stream may also influence the selection of a bridge type.
- Foundation: The type and depth of the foundation elements depend on the results of the geotechnical and scour analysis.
- Aesthetics: WSDOT H&LP reviews bridge aesthetics on a case-by-case basis. The cost of aesthetics is compared to local agency standard practice statewide. BRAC funds will normally provide only aesthetic treatments presented in approved NEPA documents. Typically, paints or pigmented sealers and fractured fin finished on concrete structures will not be approved.

Refer to LAG chapter 34 for further details.

5.C.5. Design Standards

RCW 36.86 sets forth basic requirements for the development, adoption, and use of minimum construction standards for county roads and bridges [RCW 36.86.020] and requires them to be used for all new construction and, as far as practicable, for all reconstruction of roads comprising the county primary system. (See Section 4.D.)

In short, each county must develop, adopt, and use design standards for all road and bridge construction and improvements.

STATE REQUIREMENTS

For those roads and bridges on the county primary system, the state has provided a process for setting statewide minimum standards. These statewide minimum standards are developed by the County Road Design Standards Committee [RCW 43.32], comprised of six county engineers appointed by WSAC and the WSDOT Assistant Secretary for H&LP. The committee must "from time to time…adopt uniform design standards for the county primary road systems". The most recent revision to these standards was adopted on November 30, 1994 and is published by the WSDOT. It is anticipated that the next revisions will be adopted in January 2002.

The minimum design standards for the county primary system are also directly applicable to all Federal Aid projects designed and constructed by the counties. They are enumerated in the LAG Manual. (See Section 5.C.1.)

DEVIATIONS FROM STANDARD DESIGN

Any federal aid or RATA-funded project that will not be constructed to the standards outlined in chapter 42 of the LAG Manual must gain approval for the deviation from the Assistant Secretary for H&LP before any funds are expended. The engineer must document the reasons for the deviation from standard road design prior to completion of the PS&E. Low volume roads and streets (less than 400 ADT) have separately developed standards, which are contained in Chapter 42 of the LAG Manual.

LOW VOLUME ROAD STANDARDS

The current AASHTO *Policy on Geometric Design for Highways and Streets* (Green Book) established minimum geometrics for new construction and major reconstruction of various road classifications, traffic volumes, and design speeds. Improvements to roads with 0-400 vehicles per day to meet the Green Book criteria may not be a cost-effective approach to achieve overall operational and safety improvements on a system wide basis. The National Cooperative Highway Research Program (NCHRP) has undertaken a project to develop guidelines for vary low volume roads, the results of which are expected to be included in the upcoming update of the Green Book.

5.D. LAND DEVELOPMENT

One of the most contentious aspects of a County Engineer's job is working with the private development community whose primary objective is to sell lots and/or houses at as low a cost as possible and still maximize profits. The county has various zoning and planning requirements with the objective of providing a livable community and the Engineer sets standards for Board approval for road design and construction and often stormwater and drainage. Often these standards are higher than the developer desires and friction occurs.

It is imperative that the Engineer and the Board communicate on standards to be set for development. The standards are recommended by the Engineer, but they are adopted as a standard by the Board. Often the standards call for one standard for a single house or even several houses, and a higher standard for increasing density of housing. Who is responsible for upgrading an existing road to a higher standard? What is the policy for use of unopened county right-of-way? What is the policy for access to a county road? These and many other questions need to be set in policy by the Board before problems occur and to give the engineer clear guidance.

The actual review of proposed plats is a unity of effort between the county planners, the engineering staff, and, in many counties, the hearings examiner.

5.D.1. Authority

The statutory authority for the platting and subdivision process, including short plats, is contained in RCW 58.17 "Plats – Subdivisions – Dedications. It is important to be aware of two specific provisions of RCW 58.17:

> <u>RCW 58.17.150</u>: *"Each preliminary plat submitted for final approval of the legislative body shall be accompanied by the following agencies' recommendations for approval or disapproval:…(3) City, town, or county engineer."*
>
> *RCW 58.17.160*: *"Each and every plat, or replat, of any property filed for record shall: (1) Contain a statement of approval from the city, town, or county licensed road engineer…as to the layout of streets, alleys, and other rights of way, design of bridges, sewage and water systems, and other structures…"*

Other statutes that the county engineer also should be familiar with include, 58.04 "Boundaries", 58.08 "Plats – Recording", 58.09 "Surveys – Recording", and 58.18 "Assessor's Plats".

5.D.2. Process Management

The overall platting process is full of procedural steps, most of which are directed by the county planner and the county planning commission. As there are numerous specific time-dependent steps, the county engineer must be cognizant of his/her responsibilities to act in a timely manner. A matrix of plats versus actions is useful to help monitor these responsibilities. It is also an excellent idea to form a cooperative relationship with the county planner and health department, since each has specific duties.

As part of the approval process, the county legislative authority is responsible for insuring that the public use and interest is served by the proposed plat, and must make appropriate written findings. The county engineer may be assigned a wide variety of technical responsibilities in formulating these findings. At the least he/she will be looking at issues relating to streets and roads and likely the sidewalks and walkways used by school children.

5.D.3. Establishment of Roads Within Plats

Plats typically include a "dedication to the public" for all of the road system. [RCW 58.17.165] This means that, upon final approval by your legislative authority, all such roads automatically become part of the county road system and must be maintained (and periodically reconstructed) from then on. Some plats do not have such a dedication and the roads within are private roads. This does not mean that you will never have to be concerned. It is not unusual for plat residents, after experiencing a few years of trying to maintain their private roads, to turn to the county and request, often quite vociferously, that the roads be established as county roads. It is helpful, on these occasions, to have a requirement in the design standards or in the county code that a private road must be brought up to public road standards before the county will accept it into its road system.

5.D.4. Design Standards

In addition to the required design standards for the county primary road system, it is important for counties to develop standards for roads that are not part of the county primary system. Although there is no specific statutory language requiring local standards, it would be impossible to evaluate land development issues without them. The county engineer should review the plat road standards from time to time to insure that they are appropriate. The engineer must be familiar with statewide new construction and arterial standards as established by the State Design Standards Committee [RCW 43.32] as well as the road and bridge standards contained in RCW 36.86. As new plats may contain or be adjacent to existing arterials, these construction standards, and right-of-way dedications, etc. should be taken into account.

Consideration should be given to establishing standards for not only public roads but also private roads. Although the county is not responsible for maintaining private roads, issues such as adequate emergency vehicle access should be addressed even for private roads.

5.D.5. The Engineer's Role

Depending upon assigned responsibilities, the county engineer will approve, at a minimum, the road locations, design, and construction. If the road or street is to become a county road, future maintenance will be the responsibility of the county, as will any liability issues arising therefrom. Even if it will be a private road, there is still a responsibility to protect the taxpayer and insure that the road is inherently safe. However, with private roads, future maintenance is not explicitly a county concern – at least not at the time of plat recording.

It is critical to be consistent in conversations with developers and their engineers. Upon initial submittal of a proposed plat, preliminary recommendations must be made upon which the developer will rely in the design of the roads, drainage systems, and other necessary infrastructure. Discovering new information later and requiring the developer to change his design late in the process can very easily be the cause of a large controversy! A good set of road standards (for both design and construction) for new development that has been approved by the County Legislative Authority will go a long way to insure that consistent, timely comments are made.

At the first meeting with the developer (frequently a joint meeting with representatives from planning and other affected departments), explain all the requirements and standards that are expected to be met and emphasize that the developer's engineer must design to these standards. In the more urban counties, other, even more contentious, requirements such as traffic studies and traffic mitigation may be involved. Upon receipt of drawings, check out the site! Frequently the drawings do not adequately describe the situation and may even be misleading. Be sure to check out downstream drainage concerns. Is the access point onto the existing county road adequate for sight distance or will it create a safety problem? Do the evaluation as soon as possible, inform the developer in writing, and be consistent!

Finally, be sure that the roads and other appurtenances are constructed to the approved design. Since in most cases the road will become a county road, allowing variances in the design to be built will likely cause long term maintenance problems.

5.D.6. Construction of Plat Improvements

Normally, all required improvements in a plat are completed prior to final approval and recording of the plat. RCW 58.17.130 requires that the county ordinance include a bonding provision as an alternate to completion of construction. Furthermore, there can be provisions for an up to two-year "successful operation after construction" bond (maintenance bond) as well. The administration of these provisions, as well as approval after the work is done, will likely be the responsibility of the county engineer.

5.D.7. Unopened County Right-of-Way

Often a single lot will be developed that does not require submittal of a plat or short plat but that does require provision of some type of access. The logical – and sometimes only – access may be over a previously unopened county right-of-way. In these cases, it is wise for the county to have an established process for allowing private use to be made of what is actually public right-of-way.

Some counties have developed procedures for issuing "trail permits" to allow one or two lots to use unopened right-of-way for private access without building the road to full public standards. The issuance of a permit allows the county to set minimum construction standards and to specify who is responsible for

maintenance. County standards also should include limitations on how many individual lots can use the access before the road must be constructed to standard and opened to the public and how costs of upgrading the road are to be apportioned.

5.D.8. Impact Mitigation

The acquisition, construction, and improvement of roads to serve new developments is a major burden upon county government, especially in counties experiencing rapid, large-scale increases in the intensity of land use and in population growth. This rapid growth creates large "front-end" demands for county services, including roads, and causes increased road usage. Existing and projected county funds are usually not adequate to meet the public's projected road needs. Therefore, it is common for counties to require that developers mitigate the impacts of their developments.

When people think of "impact mitigation", they usually think of impact fees; but there are other ways to mitigate the impacts of new development. Two examples are construction of frontage improvements and dedication of additional right-of-way. RCW 58.17.110 states, "Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of subdivision approval." This is tempered with the caution that, "No dedication, provision of public improvements, or impact fees … shall be allowed that constitutes an unconstitutional taking of private property".

If a county desires to require impact mitigation for new development, it is advised to set out in County Code what will be required of developments and to establish a uniform method of treatment for similar development impact on the county road system. The goal is to ensure that public health, safety, and welfare will be preserved by having safe and efficient roads serving new and existing developments by requiring all development to mitigate traffic impacts. This mitigation could include a proportionate share payment reasonably related to the traffic impact of the proposed development, construction of road improvements, and/or dedication of right-of-way reasonably necessary as a result of the direct traffic impact of the proposed development.

<u>IMPACT FEES</u>

RCW 82.02.090(3) defines "Impact Fee" as

> *"…a payment of money imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. 'Impact fee' does not include a reasonable permit or application fee."*

Counties desiring to institute traffic impact mitigation requirements, especially impact fees, must be thoroughly familiar with the provisions of RCW 82.02.020, RCW 82.02.050 through 82.02.100, and RCW 43.21C (SEPA).

5.E. SURVEY AND GEOGRAPHIC INFORMATION SYSTEMS

These are two disciplines that can work closely together or be totally separated, depending on the county. Survey is a necessity. As a minimum, every road department needs a qualified survey crew to lay out the boundaries of county rights-of-way, to locate various aspects of road and bridge projects, and to gather preliminary engineering information for future projects. Many counties are taking advantage of the advances in Global Positioning Systems (GPS) technology. GPS can be used for "approximate" locations of field installations such as culverts or other elevations especially needed for stormwater considerations, the approximate location of signs and a multitude of other timesaving bits of information. GPS itself is accurate to within inches and critical sites need to be surveyed for exactness.

The use of GPS leads naturally to the use of Geographical Information Systems (GIS), which is basically putting all the located data on computer-based maps that can be overlaid portraying a wealth of information. GIS has become very valuable in growth management planning, providing easy to understand graphics for comprehensive plans and subsequent public meetings. For roads, this can be a powerful method of tracking the road base map, accident sites, maintenance problems, stormwater effects, right-of-way, etc. The initial use in many counties is for the Assessor to track parcels for tax purposes and often the Engineer and the Assessor struggle over control of the system and, more importantly, the accuracy of the base maps. The GIS function can be located in Public Works, Planning, the Assessor's Office, or even be its own department. In any case, if the system is available, the Road Department MUST make maximum use of it.

5.F. RIGHT-OF-WAY ISSUES

5.F.1. Authority and Responsibility

The issue of roads and their rights-of-way fall under the authority of the county legislative authority, which is, in most cases, the Board of County Commissioners [RCW 36.32.120(2)]. This authority is further amplified in RCW 36.75.040(3), which states:

> *"The board of county commissioners of each county, in relation to roads and bridges, shall have the power and it shall be its duty to: … (3) Acquire land for county road purposes by purchase, gift, or condemnation, and exercise the right of eminent domain as by law provides for the taking of land for public use by counties of this state…"*

The county legislative authority acts through the county engineer regarding road (and bridge) matters. The statutes clearly delineate this relationship in RCW 36.80.030, Duties of the engineer:

> *"The county road engineer … shall have supervision, under the direction of the board, of establishing, laying out, constructing, altering, improving, repairing, [and] maintaining all county roads of the county."*

As can be seen, the ultimate authority for right-of-way as well as all other road matters lies with the county legislative authority, and the county engineer is its agent in these matters. In practice, even if the authority-responsibility relationship is not clearly articulated, the county engineer does all the work necessary for preparing materials and instruments for the legislative authority's official action.

5.F.2. Establishment

County roads are created or otherwise come into being by various processes - formal establishment, turnbacks from WSDOT, jurisdictional transfers by the State, inclusion in an approved plat, occasionally by default over time, and by the rare dis-incorporation of a city [RCW 35.07.110]. Platting and formal establishment are the two most common methods of creating new county roads. Discussion of the establishment of roads within plats is included in Section 5.D.3.

RCW 36.81 contains the statutory processes by which roads may be established by initiative of the county legislative authority or by petition. The process as described in statute is quite straightforward but there are a few 'twists' that must be carefully considered.

At this time, most counties go through this process as the result of a petition to put a private road on the county system in order to transfer maintenance responsibilities to the county. What most petitioners fail to realize is that they are obligated to bring the road up to county design standards <u>before</u> the county assumes responsibility. Frequently the upgrading cost is, to the petitioners, extraordinarily high and the establishment process ends. There are also frequent disputes as to the amount of right-of-way required as current law sets forth a minimum (unless a different width is specifically designated by the legislative authority) of 60 feet [RCW 36.86.010]. Occasionally a county will be sufficiently pressured to accept a substandard road into the county road system without requiring upgrading or even sufficient right-of-way deeds or waivers to accommodate a future upgrading. The result is an inadequate, substandard road which is excessively costly to maintain, is unable to be improved to current design standards, and awaits its turn as an 'unsafe' road lawsuit based on poor geometrics.

The key role played by the County Engineer is the preparation and presentation of the "Engineer's Report" [RCW 36.81.050]. This report serves as the technical basis for all establishment actions and must be done both professionally and thoroughly. One of the important elements in this report is the recommendation regarding necessary right-of-way width(s).

5.F.3. Acquisition by Instrument of Conveyance

RCW 36.85 provides the basic authority for counties to acquire right-of-way for a variety of road and road-related uses "... by gift, purchase, or condemnation." [RCW 36.85.010] In the case of purchasing, this is typically done via a right-of-way waiver or deed. Such a document is often referred to as an "instrument of conveyance".

There has been a continuing controversy regarding the county 'rights' actually being conveyed by such waiver or deed. Does acquisition for road purposes by deed convey an ownership in fee simple of the land? Various court cases, including cases decided by the Washington State Supreme Court, have clearly established that rights-of-way acquired by right-of-way deeds, dedication deeds, or quitclaim deeds, all without compensation, for road (or any other public) purposes are only easements and do not convey title. The ownership in fee of such easements resides with the abutting owner, as do any timber rights, mineral rights, etc.

The exception to this 'easement only' rule is for cases in which compensation is made (often as a result of 'fair value' negotiations or condemnations) or where the language of the instrument clearly conveys the same rights as an individual holding fee simple title (as with a Statutory Warranty Deed). In such cases, and where the "public body paid valuable consideration and obtained the fee in the property", there is the traditional ownership with all rights and responsibilities.

The distinction can become important should a road be vacated, as there is no automatic return of the use of any 'fee simple' land held by the county as there is for easements. As long as the right-of-way remains necessary for 'road purposes', there is little difference in the two types of possession. Only at the time that the 'possession' is disposed of does the distinction become important.

In summary, it appears that the instrument of conveyance, the language contained therein, and the consideration paid are critical in determining if you possess merely an easement or fee title.

An interesting recent turn of events has resulted in a ruling that requires that all waivers, deeds, etc. for county roads must be recorded in the county auditor's office. RCW 36.22.010 states that "the county auditor (1) shall be recorder of deeds and other instruments in writing which by law are to be filed and recorded in and for the county for which he or she is elected". Historically, many counties have relied on the 'office of record' language for the county engineer's office [RCW 36.80.040] as being sufficient for such instruments of conveyance. Those counties that have not recorded all of their right-of-way deed through the auditor's office should plan to do so ASAP.

5.F.4. Prescriptive Rights

A prescriptive right-of-way is one acquired by usage as a public traveled way without benefit of a recorded easement or other conveyance. This commonly occurs in counties that have territorial roads that predate the county road system. These roads became the original road system and many of them did not come with any dedicated right-of-way of record. Other situations by which this occurs are defined by two statutes, which define as public roads any road that has been maintained by the county for seven years or more [RCW 36.75.070] or that has been used as a public highway for ten years or more [RCW 36.75.080]. From time to time, the county engineer will find him/herself embroiled in this issue from one side or the other. There is extensive case law here and anyone attempting to use these statutes must consult with their prosecuting attorney before taking action.

A closely related issue involves the determination of the right-of-way width that can be claimed by a county. This issue, too, has been to court numerous times with the basic conclusion that, in the absence of any other information, the width of a prescriptive right-of-way is that width which has been "used and maintained" by the county. In this situation, proof of maintenance (i.e., used and maintained) can be very litigious and good record keeping of all maintenance activities is a must.

SOME GUIDANCE AS TO THE DETERMINATION OF RIGHT-OF-WAY WIDTH

Should you be confronted with the question of determining the operative right-of-way of a county road, remember to consider the following:

The historical evolution of permissible county road right-of-way widths dates back to Territorial Law. In Sec 7, Act of Jan 11, 1859, "County roads shall be 60 feet in width unless the county commissioners shall, upon prayer of the petitioners for same, determine a less number of feet in point of width." With statehood, the 1881 Legislature continued the 1859 Territorial Law definition. In 1890 (Chapter 19, Section 1, Laws of 1890) the Legislature changed the definition to provide that county roads should be established as being not less than thirty feet nor more than sixty feet in width. This was further modified in 1925 (Chapter 173, Section 3, Laws of 1925, Ex. Sess.) to designate a width of not less than 30 feet nor more than 120 feet. The last change (Chapter 187, Sections 14 and 17, Laws of 1937) set county road rights-of-way "... as being 60 feet in extremities and 30 feet on each side of the centerline of the road, unless the commissioners elect a different width."

The steps that should be followed in determining right-of-way width are:

1. A search for deeds, waivers, condemnation actions or other acquisition instruments;
2. If no acquisition instrument exists, a search should be made of the county commissioner records to determine whether or not the road in question was established pursuant to petitions and a county commissioners' order. If such an order is found, the width set out in the order or the petition, if followed by the proper period of public usage, will establish the road to that width (presuming that the commissioners selected a width within the limits allowed by law at that time.)
3. If there is neither a deed nor an order establishing the road, inquiry will have to be made of the 'old timers' in the neighborhood of the road to determine approximately when the road was opened and whether or not it has been used by the public for the required uninterrupted period. If this period is less than ten years, check the historical maintenance records to see if the county has been maintaining the road so that the shorter seven-year statute might apply. When the dates of such period are established, the minimum width that can be claimed can be determined from the applicable statute in effect at the time. In no case would the claimed width be less than the width of the traveled way plus the maintained ditches and slopes.

4. If none of the above can be determined, the right-of-way width is usually the width of the maintained land or the traveled way. Without evidence indicating a greater right-of-way width, the minimum amount that is needed for maintenance is all that can be claimed.

5.F.5. Vacations

The process of vacating a county road (or a portion of a county road) is basically the reverse of establishing one. The key issue is identified in RCW 36.87.010, which states that "When a county road or any part thereof is considered useless…", it may be vacated. A successful action to vacate will require that the legislative authority reach a finding that the road is useless and that the public will be benefited by its vacation and abandonment. The basic processes, including some important exceptions and compensation issues, are contained in RCW 36.87.

As with road establishments, the County Engineer is responsible for preparing and presenting an Engineer's Report regarding the vacation. The report must include all of the items listed in RCW 36.87.040, one of which is the cost of vacating the road. One of the primary issues that must be resolved when a road is vacated is that of access to properties. As long as a road provides either the sole or the most reasonable access to a parcel, the road can rarely be considered "useless" and pursuing a vacation is probably not in the best interests of the county. There is also no way that the county can vacate a road and at the same time preserve a private right of access to anyone. If the road subject to the vacation request contains public utilities, the legislative authority may approve the vacation subject to the retention of an easement for public utilities and services. The easement is retained by the county and cannot be conveyed to another entity including a public utility purveyor; therefore, a permit or franchise must be granted to the utility in question. [RCW 36.87.140] It is also important to note that roads abutting 'bodies of water' cannot be vacated, except in very rare circumstances that are discussed in RCW 36.87.130.

5.F.6. Utility Franchises

State statutes allow for multiple uses of county road right-of-way. Such use by others is regulated by the franchise process set forth in RCW 36.55. All pipe line and wire line providers are required by RCW 36.55.010 to have a franchise to use county right-of-way. Telecommunications providers are the single exception to this requirement as they are separately authorized to use road right-of-way by RCW 80.36.040. Cattleguards and railway roads using or crossing county road right-of-way are also subject to franchise requirements.

Franchise holders are required, by RCW 36.55.050, to place utilities and other appurtenances "in such location on or along the county road…(that) will cause the least interference with other uses of the road. In addition, RCW 36.55.060 places limitations on the granting of franchises:

1. The franchise holder is liable to the county for all necessary expense incurred in restoring the county road to a suitable condition for travel.
2. No franchise shall be granted for a period of longer than fifty years.
3. No exclusive franchise shall be granted.

4. The franchise holder shall remove or relocate its facilities, at its own expense, if such removal is reasonably necessary for reconstruction, alteration, or improvement of the county road.

It is important for each county to use a consistent permit and oversight process for all franchises. In recognition of the importance of this issue, CRAB has adopted a Standard of Good Practice (WAC 136-40) that requires each county to adopt a policy for accommodating utilities within county right-of-way. A model utility accommodation policy has been developed that may be adapted to an individual county's needs.

5.F.7. Right-of-Way Use Permits

RCW 36.75.040(4) gives the county legislative authority, in relation to roads and bridges, the power to "(p)erform all acts necessary and proper for the administration of the county roads…" One of the "acts" necessary for administration of county roads is the issuance of permits to individuals or entities desiring to make use of county right-of-way. RCW 36.75.130 specifically addresses the issue of road approaches, stating that "(n)o person shall be permitted to build or construct any approach to any county road without first obtaining permission therefore from the board."

In addition, there are numerous other uses of the right-of-way that should be subject to the issuance of permits. These uses can be grouped into the following general categories:

1. Special Events (Permits are often issued by departments other than Public Works.)
2. Short-term uses of the right-of-way (Movement of vehicles, materials, and structures; commercial hauling; road closures and other uses that have the potential to disturb existing features, improvements, other vehicles, or pedestrians within the right-of-way.)
3. Long-term uses of the right-of-way (Placement and use of objects or features or non-land-development related construction, with minor or no disturbance of improvements within the right-of-way.)
4. Construction Activities (Activities that disturb the roadway and other features within the right-of-way.)

It is in the best interest of the county to have a section of the County Code that addresses Right-of-Way Use Permits and the consistent process for reviewing and issuing them. The following items should be considered in developing such a code section:

1. Types of right-of-way uses that require permits;
2. The requirements for permit approval;
3. Duration of permit and conditions for renewal;
4. Permit exemptions;
5. Insurance requirements;
6. Hold harmless and indemnification;
7. Performance security;

8. Maintenance security;
9. Inspections;
10. Permit revocation; and
11. Permit application and processing fees.

From time to time, county engineers may be confronted with non-franchised and non-permitted right-of-way encroachments such as structures, fences, gates, etc. which materially impair the use of the road as a public thoroughfare. These encroachments can be removed by the county as a public nuisance under RCW 9.66.

5.F.8. Turnbacks and Jurisdiction Transfers

TURNBACKS

Occasionally, realignments and new construction of state highways will result in a portion of the original state highway being no longer in service as a state highway. These portions may unilaterally be transferred to the county and become a county road [RCW 36.75.090]. The WSDOT has agreed, however, that maintenance deficiencies will be corrected prior to such transfers. County engineers should be prepared to work closely with their WSDOT Regional staff to mutually identify maintenance as well as other problems for which corrective action should be taken.

JURISDICTION TRANSFERS

In 1990, the Legislature added RCW 47.17.001 to define the nature and characteristics of the state highway system as a basis for analyzing whether changes, additions, or deletions should be made. Although the Legislature is responsible for actually making such changes, the responsibility for analysis and recommendations to the Legislature, in accordance with the statutory criteria, has been vested in the Transportation Improvement Board (TIB) [RCW 47.26.167]. The current criteria and procedures used by TIB in analyzing proposed jurisdiction transfers are included in WAC 479-210.

6.A. OVERVIEW

County Public Works Departments may administer Federal Aid funded construction projects only if they are certified (see discussion below) by the WSDOT to do so. The procedures for contract administration, construction inspection, materials testing, and documentation such as Inspector's Daily Reports and changes in the work to be done are detailed in the WSDOT Construction Manual. Details on owner/contractor responsibilities in administering the contract are contained in the WSDOT Standard Specifications for Road, Bridge, and Municipal Construction.

6.B. CERTIFICATION ACCEPTANCE

Certification Acceptance is WSDOT program under which certain authorities and responsibilities in federal aid project development and construction that are normally retained by the state are delegated to local agencies. See the WSDOT Local Agency Guidelines for more information.

The requirements for Certification Acceptance are:

1. Projects must be administered in accordance with the LAG Manual.
2. Projects must be administered by a Professional Civil Engineer registered in the State of Washington who is either on staff as a public employee or is a contract employee designated as the agency's Engineer.
3. The agency shall have sufficient expertise and capability to perform and supervise the design, PS&E, and construction administration phases of the project.
4. The local agency must have designated an official approving authority for all WSDOT-delegated project approvals. This authority (agency executive or policy body) must officially approve each project step for which it is the approving authority, as identified in the agreement with WSDOT.

Currently, all counties are operating under Certification Acceptance granted by WSDOT and are considered fully capable of administering their own construction contracts. Chapter 13 of the LAG Manual contains a full description of the certification process and the various stages of certification.

6.C. PROJECT MANAGEMENT

6.C.1. County Road Projects

RCW 36.75.050 requires that all County Road Projects (CRPs) be established by resolution of the county's legislative authority.

> *"The board shall by resolution, and not otherwise, order the survey, establishment, construction, alteration, or improvement of county roads..."*

The resolution authorizes the county engineer to expend funds and to proceed with construction projects as listed on the Annual Road Program. This may be done for individual projects or for groups of projects. It may also be done by project phase (Preliminary Engineering, Right-of-Way acquisition, Construction), especially if the

estimated cost of the project is to be more specifically defined at later project stages and if the project will take more than one year to advance to actual construction.

At a minimum, a CRP resolution should contain the following items:

1. A unique CRP number that serves as the permanent filing reference designation;
2. A brief description of the project including the road name, county roadlog number, and beginning and ending mileposts (a vicinity map is also useful);
3. The reference to the Annual Construction Program initially authorizing the project (or the project phase, if appropriate);
4. If the authorization includes construction, a notation as to whether it will be by day labor or by contract (if a mixture, specify the nature and the estimated costs of both the day labor and contract construction portions); and
5. The estimated total cost of the project by phase.

For all projects that are proposed to be done in their entirety or in part by day labor (county forces), additional guidance and specifics are found in WAC 136-18.

See RCW 36.77.070 and WAC 136-18 for public notice requirements.

6.C.2. Contract and Day Labor Limits

Over the years the road construction industry and the counties have discussed the issue of how much road work should be done by contract and how much can be done with the counties' own forces (i.e., day labor). The current compromise dates back to 1980. RCW 36.77.065 sets forth the limits on allowable day labor, which are based on the size of a county's annual road construction budget. The amount of construction done by day labor historically has been the area in which most of the failures to meet CRAB's "Standards of Good Practice" occur.

COMPUTATION OF DAY LABOR LIMITS

The road construction element can be done either by contract or by day labor. The law does, however, place limitations on how much can be done by day labor. The amounts and how they are calculated are contained in RCW 36.77.065 "Day labor construction projects or programs -- "County road construction budget" defined -- Amounts -- Violations" (see also WAC 136-16-022). Note that the determination of compliance takes place both at the initial budget stage as well as the actual expenditure stage and there is a special $10,000 limit on day labor for electrical work (RCW 36.77.065 (3)).

CRAB'S RESPONSIBILITY

The entire day labor issue is closely monitored and evaluated by CRAB. The implementing regulation, WAC 136-16 "Annual Road Program, Construction Report, and Day Labor Limits", which is a Standard of Good Practice, requires that both an annual road program and an annual construction report be submitted to CRAB. Determination of compliance with statutory day labor limits is based upon both of these reports for any one calendar year. In recent times, virtually all situations in

which a county is at risk of not receiving its 'Annual Certification' (see WAC 136-4, "Annual Certification of Good Practice") and thus putting its gas tax revenue at risk have stemmed from use of day labor.

MAINTENANCE VS. CONSTRUCTION

Questions and concerns over 'maintenance versus construction' continue to be of interest to counties, primarily because of the 'day labor versus contract construction' implications. At the root of the issue is agreement as to which is which - there are 'gray areas'. This difference is important because virtually all administrative activities, from priority programming through budgeting and ending with accounting and reporting to the State Auditor's Office, treat these two work types differently. Some of the differences are philosophical and procedural ... but many are statutory.

Definitions: One would think that with all the references in the RCWs and WACs there would be some clear definitions of maintenance and construction. This is not the case. There still remains sufficient ambiguity that the classification of a piece of work is subject to some interpretation. In the overall process of converting 'needs' to 'work', the first place a decision must be made is at the annual road budget. At this point, your anticipated road work expenditures are classified into 'maintenance ' (BARS code 542.xx) or 'construction' (BARS code 595.xx).

The State Auditor's Office (SAO), in the BARS Manual, defines construction as:

> *"...any operation which involves improvement of the road/street. ... New Construction is defined (in the LAG)" [BARS 1.1.4 pg 54]*

Maintenance is defined as:

> *" ... preserving and keeping the right-of-way and each type of roadway, roadway structure and facility as nearly as possible in its original condition as constructed or subsequently improved, and the operation of roadway facilities and services to provide satisfactory and safe motor vehicle transportation. This account is not to include reconstruction or betterment. ... Note that maintenance does not include (3-R activities) repair, restoration, or rehabilitation ... These activities should be coded as construction 595.xx." [BARS 1.1.4 pg 32]*

Both BARS definitions <u>also</u> refer to a "complete definition" in the Local Agency Guidelines (LAG Manual) published by the WSDOT H&LP. The LAG definitions are:

> Maintenance - *"Work directed toward preservation of the existing roadway and related appurtenances as necessary for safe and efficient operation. Any surface treatments less than 0.06 foot thick, crack sealing, etc. are considered to be maintenance and are not 3-R activities."*
>
> Construction - *"The building of a street, a portion of a street or a facility that did not previously exist. It may be on a new right-of-way or on existing right-of-way."*

New Construction - *"The building of a new roadway or structure on substantially new alignment, or the upgrading of an existing roadway or structure by the addition of one or more lanes. If 50 percent or more of the project length involves vertical or horizontal alignment changes, the project is new construction. The following types of projects are not classed as new construction and the 3-R standards apply:*

** Modernization of an existing street or road by resurfacing, widening lanes, adding shoulders, or adding turn lanes at intersections.*

** Temporary replacement of a street or roadway, immediately after the occurrence of a natural disaster or catastrophic failure, to restore the facility for the health, welfare, and safety of the public."*

If the distinction between construction and maintenance is not perfectly clear now, you're not alone! There have been many creative minds in the counties over the years regarding work classification.

Implications: So why should there be any big deal? The 'biggest deal' relates to 'how' the work is actually done. The considerations are in three parts:

- **Design Standards –** RCW 36.86.080 requires all new construction and, to the extent feasible, all reconstruction of county arterials to be done to uniform design standards. (See Section 5.C.5.) These arterial new construction design standards are developed and adopted statewide by a formal design standards committee as specified in RCW 43.32. There are also statutory requirements for all counties to develop and adopt design standards for all road and bridge construction and improvement [RCW 36.86.020-030]. Thus it should be obvious that work defined as construction must meet (or have a deviation from) specific design standards.

- **PS&E** – RCW 36.77.010 clearly requires the preparation of "… maps, plans, and specifications as shall be necessary and sufficient." Furthermore, they must be approved by the county legislative authority and filed with its clerk. The decision of 'necessary and sufficient' is your professional call, but there something must be evaluated and approved.

- **Day Labor** – As previously discussed, the amount of construction that can be done by county forces is limited by a formula related to the total construction program. The more projects that are classified as construction, the more you can do with day labor. The current trend in many counties is to do more and more work by contract, so for many counties, this is not an issue.

6.C.3. Prevailing Wages

Since 1945, the concept of cities and counties paying "prevailing wages" to all contractors' workers on public works contracts has been a State policy. There have been numerous modifications to the statute as well as many changes to Labor and Industries' implementing WAC rules. There still remains a lot of controversy,

especially in the area of maintenance, and both administrative and court actions continue to refine the limits and application of "prevailing wages".

DEFINITIONS – PUBLIC WORK AND CONTRACT

The statutory definitions are contained in RCW 39.04.010. To reiterate:

> *"The term public work shall include all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein. All public works, including maintenance when performed by contract shall comply with the provisions of RCW 39.12.020.*
>
> *The term contract shall mean a contract in writing for the execution of public work for a fixed or determinable amount duly awarded after advertisement and competitive bid. However, a contract which is awarded from a small works roster.... need not be advertised."*

The administering state agency, the Department of Labor and Industries (L&I), has adopted much more explicit WAC rules that further define both 'public work' and 'contract'.

APPLICATION TO PUBLIC WORKS CONTRACTS

All public works contracts let by a city or county must include provisions for payment of prevailing wages to all workers. Lists of prevailing wages for every area of the state are periodically published and updated. Contact your local L&I Office for those applicable to your area. The "prevailing rate of wages" shall be "the rate of hourly wage, usual benefits and overtime paid in the locality, as hereinafter defined, … to the majority of workers, laborers, or mechanics, in the same trade or occupation." [RCW 39.12.010] This chapter also defines "locality" as the "largest city in the county wherein the physical work is being performed". There is a large amount of highly technical language in the basic statute that is codified as RCW 39.12, "Prevailing Wages on Public Works". It is important that all public works persons responsible for any contracting out be well versed on this law.

IMPLEMENTING REGULATIONS – DEPARTMENT OF LABOR AND INDUSTRIES

Once the 'basics', as discussed in RCW 39.12 have been digested, it is absolutely imperative that you know the excruciatingly detailed implementing regulations as published by L&I in WAC 296-127, "Prevailing Wage". It is important to note that the definitions here are slightly different and more specific than those in the statute; of particular note is the "public work" definition [WAC 296-127-010(7)]. As this issue continues to 'sort out', changes can be expected in both statute and, more frequently, in WAC rule. Every county is supposed to be on L&I's mailing list for advance notice of rule changes as well as for receiving new procedures, forms, etc. as they are adopted. Be sure you are always working with the most current rules! Management tip: Get to know the L&I person who works directly with your area. It can save a lot of time and trouble if the lines of communication are open.

LIMITATIONS ON PREVAILING WAGES

At first glance it appears that anything that is put out to contract must have a prevailing wages provision. Historically, L&I has leaned toward a rather generous interpretation which is generally believed to support union labor groups. Over time, several local agencies have attempted to avoid paying prevailing wages by not contracting out maintenance or minor construction work but rather securing such services through purchase orders and sole source arrangements, often for rather small amounts of money which fall within the scope of direct purchasing as allowed in RCW 36.34, "County Property". The current status of the WAC rules has removed any ambiguity as the term "contract" has been expanded to mean virtually any type of agreement. Furthermore, the source of the funding is also irrelevant and there is no minimum threshold amount.

There are a few areas common to many public works/road departments for which an exemption to prevailing wages exists:

- Production and stockpiling of rock/gravel for 'unspecified future use'. [WAC 296-127-018(3)(c)]
- Other certain material handlers with limited duties. [WAC 296-127-018(3)(a) & (b)]
- Sole business owners or major partners. [WAC 296-127-026].

Your own employees are also exempt. In times past there was some controversy as to whether public employees have any entitlement to prevailing wages. Clear language exists in WAC 296-127-026(4) if someone asks to see it.

TRENDS

As Washington is still a strong organized labor state, it is expected that future changes to both statute and WAC rules will tend to reduce any exceptions to public agencies paying prevailing wages for contracted work. Watch for rule making notices and explanatory/advisory bulletins from L&I.

6.C.4. Permits

For almost any road or bridge construction or reconstruction project, one or more permits will be required, most of which are environmental in nature, especially where new or additional right-of-way is required. County Engineers must be aware of the probable requirement for such permits and factor the delays, conditions, or special time requirements into the overall project development and construction timetable. Some of the permits that may be required include:

1. Roadway clearance from airports (Federal Aviation Administration)
2. Coastal Zone Management compliance (State Department of Ecology)
3. Hydraulic Permit (State Fish & Wildlife Department)
4. Wetlands and Waters Permit (Army Corps of Engineers)
5. Endangered Species (US Fish & Wildlife Service, National Marine Fisheries Service)
6. Archeological, Historic, Cultural Sites (State Historic Preservation Office)
7. Timberlands (State Department of Natural Resources)

8. Water Quality (State Department of Ecology)
9. Pits and Quarries (State Department of Natural Resources)

This is not necessarily an all-inclusive list. The main point is to be aware that practically all construction and related activities (and many road maintenance activities, also) performed by the county engineer's office are regulated or restricted by a wide variety of state and federal agencies.

6.C.5. Small Works Roster

Because of the increasing cost and complexity of going through the competitive bid process, counties have sought to find an alternate "shortcut" method for the smaller contracts. In 1991, legislation was passed that allowed the development and use of a 'small works roster' for a wide variety of purchased equipment and services. Regarding road construction and other 'public works', this process can be used for contracts from $10,000 up to $200,000.

LIMITS ON COMPETITIVE BIDDING – PUBLIC WORKS

The basic statute on public works contracting requirements is contained in RCW 36.32, "County Commissioners", in particular RCW 36.32.245 through 270 (it would be a good idea to be familiar with all of the sections in this Chapter!). In brief, competitive bids are not required for contracts less than $2,500. From $2,500 to $10,000, competitive bids may also be dispensed with but there is a requirement for public inspection. For public works contracts from $10,000 to $200,000 you may use the Small Works Roster process as set forth in RCW 39.04.155. [RCW 36.32.250]

CRAB recommends that you always strive for the most competitive price and for purchases under $2,500 attempt to get at least three telephone quotes. From $2,500 to $10,000, a written quote without any contractual documentation is recommended.

THE SMALL WORKS ROSTER

The requirements of this useful process are set forth in RCW 39.04, "Public Contracts and Indebtedness", in particular sections 39.04.155 through 200. In short, you may create one or more rosters that are developed by a local advertising process. Originally done at least once per year, the 1993 Legislature amended the statute to require advertising at least twice per year (they also amended it to apply to all 'municipalities' and not just counties). If you use the small works roster process, you also must post a list of the contracts so awarded every two months. [RCW 39.04.200]

6.C.6. Interagency Agreements

PURPOSE

RCW 39.34, The Interlocal Cooperation Act, provides all public agencies within the state a powerful tool for cooperative working arrangements. This statute permits "... local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of

governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities." [RCW 39.34.010] The term 'public agency' is broadly defined in RCW 39.34.020.

REQUIREMENTS

Whenever a county enters into such an agreement pursuant to this Act, any powers and authorities of the county may be exercised on behalf of the other public agency; provided, however, that the other public agency has the same powers and authorities (see 'Some Cautions' following). Any such agreement must be approved by the county legislative authority by resolution or ordinance, and must specify the duration, purpose, financing, and termination of the agreement. Detailed requirements are listed in RCW 36.34.030. In addition, any agreement made under the Interlocal Cooperation Act must, before it takes effect, be filed with the county auditor.

SOME CAUTIONS

The Interlocal Cooperation Act is not a 'blank check' to avoid other aspects of the statutes. Recent court cases and legal opinions have created some limits. A common example involves day labor limits for cities. Except in case of emergency, cities cannot construct projects in excess of $10,000 [RCW 35.77.030] other than by contract. This cost limitation also applies to work done by county forces pursuant to an interlocal agreement with a city. The county could, however, let and manage a contract on behalf of the city under such an agreement. Another possible exception (which is only an opinion and not case law) is the provision of 'professional services' as defined in RCW 39.80 for another agency. In summary, when entering into such an interlocal agreement, you are responsible to see that neither you nor the other agency is avoiding other statutory requirements or limitations.

County Engineers may have a variety of on-going agreements with a variety of other agencies. Typical are ones for road work with the smaller cities within the county, with the state or federal forest land management agencies, and with neighboring counties for road maintenance on routes that are best serviced by the other county due to location. Of course, these types of agreements may also go the other way; it may be advantageous for other public agencies to do work for you. Under this statute, counties may also purchase goods and services under a contract let by another county or other public agency. Purchasing automobiles from a State contract or heavy equipment from a neighboring county's contract (with it and its vendor's agreement) are good examples.

6.C.7. Use of Consultants

AUTHORITY

In this context we are only considering those consultants in the fields of engineering, land surveying, architecture, and landscape architecture. RCW 39.80, 'Contracts for Architectural and Engineering Services', regulates the securing of such services by state and local agencies and special districts. All other services (as

well as materials, equipment, and supplies) are regulated by the competitive bidding procedures and dollar limitations as set forth in RCW 36.32.245.

PROCEDURE

The statute sets forth the basic procedural requirements for retaining architectural and engineering consultants and their consulting services. This can be done on a project-by-project basis by publishing a request for proposal (RFP) for professional services, reviewing their qualifications and performance data, selecting the most highly qualified, and negotiating a contract with the most qualified consultant. Another option is to advertise, typically annually, for a category or type of professional service anticipated to be needed, build a roster of interested consultants, review their qualifications and performance histories, and then assign work as needed. Both the project-by-project and roster process can be used depending upon the circumstances of the required professional services. In the case of emergencies, however, necessary consulting services can be acquired without such procedures.

6.D. MATERIALS

Materials used on a federally designated National Highway System (NHS) route must be tested by a materials inspector and in a laboratory facility that have both been certified by the WSDOT. The WSDOT Construction Manual is the most complete resource for overall materials testing and project inspection questions. LAG Manual details, however, override the WSDOT Construction Manual for the testing of some materials as well as the frequency of tests/sampling. See LAG Manual Chapter 52 for details.

6.E. CONSTRUCTION INSPECTION

The manner in which project inspection is carried out will, to a large extent, determine the project's success. Timely and complete inspections not only will ensure that high quality materials and construction methods are used, but also will enable good owner/contractor communication. In the end, thorough inspections will reduce the number of claims the county would otherwise have to resolve. The engineer must open communication with the contractor from the onset, at the pre-construction conference, regarding items of work that need special attention, and that will require all parties to work closely together.

AUTHORITY OF THE ENGINEER ON CONSTRUCTION PROJECTS

The authority of the engineer (representing the owner) and his/her assistants and inspectors is defined in the Control of Work section of the WSDOT Standard Specifications for Road, Bridge, and Municipal Construction.

Assistants and inspectors are not authorized to accept work, to accept materials, to issue instructions, or to give advice that is contrary to the contract. Work done or material furnished that does not meet the contract requirements will be at the contractor's risk and shall not be a basis for a claim even if the inspectors or assistants purport to change the contract.

Assistants and inspectors may advise the contractor of any faulty work or materials or infringements of the terms of the contract; however, failure of the Project Engineer or

the assistants or inspectors to advise the contractor does not constitute acceptance or approval.

AUTHORITY OF CONTRACT DOCUMENTS

Since the Standard Specifications undergoes continual revision, updates not included in the latest edition are incorporated into the contract provisions as addenda. The contract incorporates many documents describing how work is to be performed. When there are inconsistencies among these, they will be resolved according to the following order (1 presiding over 2, 2 over 3, etc.) as listed in the Control of Work section of the Standard Specifications.

1. Addenda
2. Proposal Form
3. Special Provisions
4. Contract Plans
5. Amendments to the Standard Specifications
6. Standard Specifications and
7. Standard Plans.

If an item of work is not standard and the contract documents do not mention how it is to be performed, then the work will be performed in accordance with regularly observed standard trade practice(s).

It is critical that the construction inspector keep the daily inspection report current. CRAB has developed a computerized daily report system that is available to the counties.

6.F. CONTRACT ADMINISTRATION

Currently, all counties are operating under Certification Acceptance (See Section 6.B.) granted by the WSDOT and are considered fully capable of administering their own construction contracts. The key elements to becoming "certified" as well as having good project development and contract administration regarding projects with federal funding are contained in Chapters 51-53 of the WSDOT LAG Manual. Key areas of administration are:

1. Pre-construction conference. (See sample agenda in Chapter 52 of the Local Agency Guidelines)
2. Quality Control. The county must approve all materials used in the project, and must follow the measurement methods described in the contract documents. See also the WSDOT Construction Manual.
3. Establishing the number of working days allowed to complete the project.
4. Progress payments to the contractor.
5. Changes and extra work.
6. The WSDOT Standard Specifications for Road, Bridge, and Municipal Construction contain provisions for termination of a contract.
7. All subcontracts must be in writing.
8. DBE and EEO requirements

9. Completion of the project and required documentation.

Only counties operating under Certification Acceptance are allowed to use their own forces to construct a federal funded project. The WSDOT will determine final project acceptance.

A good contract administration process includes the following characteristics:

- A Washington State registered professional civil engineer is in charge;
- There are sufficient capable and trained staff to properly administer all the contract administration functions;
- A formal process has been established for handling change orders, material testing, and complete project oversight and inspection; and
- A project accounting system to track all charges and payments is in place.

The new County Engineer should review the current Certification Acceptance Qualification Agreement and periodic Certification Acceptance Interview Form to insure the county does have the capability to administer its own contracts.

6.G. WORK ZONE TRAFFIC CONTROL

Good traffic control is essential, not only for the safety of the traveling public, but also for county employees and those construction workers whose work often requires them to be in close proximity to high speed traffic. The primary function of work zone traffic control is to allow vehicles and pedestrians to move safely and easily through or around work areas. Effective temporary traffic control enhances traffic safety and efficiency. Drivers and pedestrians need to be guided in a clear and positive manner while approaching and traversing temporary traffic control zones.

No single set of traffic control plans can satisfy all conditions for all work zones. The MUTCD has been adopted by WSDOT as the legal standard for work zone traffic control. Refer to Chapter 2 of the WSDOT Construction Manual for further information.

Basic procedures that should form the basis of a good work zone traffic control plan include the following[16]:

1. Provide substantial protection and minimize worker exposure to traffic by applying barriers and devices in practical ways.
2. Prior to the beginning of work operations, evaluate all aspects of the work area including: sight distance, traffic speed, volume, and the type of work activity being done before deciding on a traffic control plan.
3. After the traffic control plan is implemented, the supervisor should drive through the work area, at the anticipated speed of the motorists, to determine the effectiveness of the plan. Additional reviews are recommended throughout the day to insure that traffic control devices remain in place.
4. Plan ahead for equipment, materials, and manpower needed for traffic control such as signs, channelization devices, pavement marking materials, etc.
5. Traffic control devices are used to visually guide drivers through work zones. Signing, channelization devices, and warning beacons all display a message to the

[16] From "*Work Zone Traffic Control Guidelines*", WSDOT.

driver. Work zone credibility is established through the proper use of these devices to send correct messages to drivers. Poor work zone credibility has a direct negative impact on work zone safety by causing driver confusion, frustration, and disrespect which results in a high potential for accidents.

7.A. OVERVIEW

Maintenance is one of the biggest challenges facing the County Engineer. It is also the greatest opportunity for success. Used proactively, the maintenance crews are a wealth of information. No one else drives the roads daily and fixes all of the recurring problems. They can be the eyes and ears of the Road Department and even provide a pulse reading of community attitudes and growth problems which otherwise may be overlooked until the Commissioners are involved. They have as much or more contact with the public as any other county organization and represent the county both positively and negatively. The daily and weekly maintenance results on the roads are one of the most visible services provided by the county. They can make the Engineer's job easier, or they can make it impossible.

The maintenance program is usually one of the largest groups of employees in the county and one of the most unionized. The differences in educational background between the typical engineering employee and the typical maintenance employee often lead to a lack of communication and potential mistrust and can lead to conflicts within the department.

The maintenance budget is typically 1/3 to 1/2 of the annual expenditures of the road department. The budget is substantial and the standards and practices vary widely among counties.

7.B. MAINTENANCE ACTIVITIES AND TECHNIQUES

Maintenance can be roughly categorized into three groups: reactive, routine, and preventive maintenance.

Reactive maintenance includes unanticipated failures of road surfaces, loss of signs, trees across the road, etc. It also includes response and repair during true emergency conditions such as flooding, windstorms, earthquakes, and volcanoes. Historically, most counties can anticipate events and can roughly budget for them. Emergencies can provide a severe test of the engineer and the road department. The department must have practiced plans in place and the commissioners must provide a budget item for the unexpected. If the department flounders in its response through lack of preparation, lack of obtaining appropriate permits, inability to make responsible, on-the-spot decisions, lack of control over employees, or even the perception of incompetence, then the engineer may have lost the confidence of the Commissioners.

Routine maintenance is the normal day-to-day budgeted activities that keep the roads operational. The key to successful routine maintenance is an annual work plan that is balanced between FTEs and budget and has the necessary supplies, materials, and equipment available with qualified operators at the scheduled time and location. Key to a successful work plan is knowing the cost of the various unit activities that are performed. This cost includes man-hours of various skills, equipment hours, and materials. The accuracy to which these costs are tracked and updated is critical.

Preventive maintenance is planned effort to restore an item to good condition while the restoration is cost effective and well before routine maintenance is required. The pavement management strategies are examples of preventive maintenance.

There are several peer groups representing maintenance interests. The "Weed Whackers" meet several times per year and share information. The Northwest Pavement Management Association provides excellent information. There is also a group of city/county/state fleet managers.

7.C. MAINTENANCE MANAGEMENT

Maintenance Management is based on the application of sound management principles to public works maintenance operations. A Maintenance Management System (MMS) provides for the orderly conduct of the following essential management functions:

- Planning and budgeting
- Organizing to do the work
- Directing the work
- Controlling the results

Maintenance Management Systems have been designed to incorporate these essential management functions into maintenance operations. A typical MMS consists of the following elements:

• Setting objectives	}	Planning & Budgeting
• Defining work activities and standards	}	Planning & Budgeting
• Developing annual work programs	}	Planning & Budgeting
• Organizing and allocating resources	--	Organizing
• Authorizing and scheduling work	--	Directing
• Reporting and evaluating performance	--	Controlling

The first three elements are related to the management principle of <u>planning and budgeting</u>, the fourth element is related to <u>organizing</u>, the fifth is related to <u>directing</u>, and the last element is related to <u>controlling</u>. The results of the reporting and evaluation function are used not only to control the work, but also to feed back to the planning function to improve the accuracy of the next work program and budget.

A schematic representation of a Maintenance Management System is shown on Figure 7-1. Further description of MMS elements is provided below.

7.C.1 OBJECTIVES

The primary purpose of a Management System is to carry out objectives in the most effective and efficient manner possible. This requires setting of objectives to guide management efforts and to serve as the basis for developing plans, measuring progress, and evaluating results.

A public works maintenance organization is concerned with preserving the public investment in facilities, providing adequate levels of service to ensure safe and efficient operation, and making efficient use of available resources. These are

very basic and very general objectives. The Public Works Manager must set more specific objectives to guide day-to-day maintenance operations.

An operating policy for maintenance management should be developed and officially adopted. In carrying out this policy, levels of service and standards of performance will have to be established for the various maintenance activities, and both work programs and budgets will have to be defined to achieve these levels. Furthermore, there must be a commitment to provide the required resources to carry out the maintenance work program. This, in turn, means that priorities will have to be established for the entire public works operation to avoid conflicts between construction, maintenance, and other activities of the agency.

7.C.2 WORK ACTIVITIES AND STANDARDS

The first step in developing a maintenance work program is to define the work to be done. The work must be identified in unmistakable terms that are measurable and that can be related to resource requirements on a consistent basis.

Specific work activities are identified by name and number to account for most of the annual workload – typically 85 to 90 percent. The remaining 10 to 15 percent of the workload is usually composed of an almost endless list of rather minor activities that can be grouped as "miscellaneous".

A quantity standard is used to define a level of service for a specific activity. That is, the quantity standard is used to define the amount of work that needs to be done to provide the desired level of service. These are established largely on the basis of experience. For example, the Maintenance Manager may know from experience that approximately 0.25 tons of premix per lane-mile has to be used on the roads each year to keep up with pothole patching. That value, then, can be used as a quantity standard and may be adjusted upward or downward to raise or lower the level of service for pothole patching.

Performance standards are used to define the best way to accomplish each activity. The optimum crew and equipment complement is specified, along with the major materials needed and the preferred procedure for doing the work. Also, the expected amount of work to be accomplished each day is specified, based on using the standard over a period of time under average conditions.

7.C.3 DEVELOPING WORK PROGRAMS AND BUDGETS

Another prerequisite to preparing a work program and budget is obtaining an inventory of all facilities to be maintained.

Unit costs will be needed for labor, equipment, and materials so that the cost of performing the work can be determined. The unit costs can then be applied to the standard list of resources for each performance standard to determine the average daily cost for performing each activity.

With the inventory, quantity standards, performance standards, and unit costs in hand, the annual work program and performance budget may be determined.

By applying the quantity standards to the inventory values, the annual workloads by activity are determined. Applying the performance standards to the workload provides the amount of labor, equipment, and materials required to accomplish the work.

The performance budget is calculated by applying the unit costs to the resources and totaling the results. The term "performance budget" is used because the budget is derived from a specific amount of work that is to be performed rather than by the traditional method of making an adjustment to last year's budget to reflect inflation and other factors.

7.C.4 ORGANIZING AND ALLOCATING RESOURCES

To accomplish the work program efficiently, the workload must be evenly distributed throughout the year. Seasonal influences on the work must be taken into account first. Then, the remainder of the workload must be distributed to achieve as level a workload as possible.

With the workload spread out over the year on a monthly basis, an annual work calendar can be developed to guide the development of short-term schedules. Specific requirements for labor, equipment, and materials on a monthly basis will be known well in advance so that no shortages should occur when the work is ready to be done.

Some agencies budget by sub-areas within their jurisdiction, or by road classes, or by some other criterion. The same programming and budgeting process may be used to develop sub-unit work programs and budgets that may be combined to obtain the agency-wide work program and budget. With resource requirements for each sub-unit clearly defined, the allocation of appropriate resources to each unit in order to accomplish its assigned workload will be a straightforward matter.

7.C.5 AUTHORIZING AND SCHEDULING WORK

The secret to providing the desired level of service and staying within budget is to ensure that only the planned amount of work is done – no more and no less. After the annual work program and budget is approved, managers must have a simple method of authorizing and scheduling work to ensure that the work program is carried out as planned.

Usually bi-weekly schedules are prepared, using the annual work calendar as a guide. To the extent possible, the planned work should be carried out and every effort should be made to stay on schedule. If activities such as snow removal or storm damage repairs and cleanup turn out to be greater than planned, the work program will have to be adjusted or additional funds requested to complete the planned work.

To ensure that field crews perform only the authorized work, work-orders or crew-day cards are typically used by the supervisor to authorize work on a day-to-day basis. Each work order authorizes a crew to perform a specific amount of work on a specific activity.

7.C.6 REPORTING AND EVALUATING PERFORMANCE

Daily time cards are typically used in Public Works organizations to track labor, equipment, and materials used for maintenance activities. These cards or forms, if properly designed, can also be used to report the amount of work done and the locations of work as well as the resources used. Normally, these are completed at the end of each day, or at the end of each job if more than one activity is performed during the day.

The daily work reports should be reviewed by the supervisors promptly to ensure that they were completed properly and to determine if the performance standards were substantially followed. Significant variations should be followed up promptly to determine the cause and, if necessary, take corrective action.

The daily work reports are summarized on a monthly basis to produce performance evaluation reports. These are used to evaluate performance and monitor progress toward accomplishing the work program. Again, significant deviations from the planned work program and budget should be investigated and appropriate follow-up action taken.

The importance of this step cannot be overemphasized. Without evaluation and control to ensure that the plan is followed, the entire maintenance management effort will be in vain.

7.C.7 SUMMARY OF MAINTENANCE MANAGEMENT

The MMS is a complete management system and can provide more than management information alone. There are provisions for setting objectives and standards to aid in planning the work, for determining resource requirements, for developing the performance budget, and for scheduling, reporting, and controlling the work. Basically, the MMS is a process for more effective and efficient planning, organizing, directing, and controlling of maintenance work. It begins with setting specific, quantitative work objectives and then follows through the complete management cycle to ensure that actual performance is consistent with objectives.

7.D. TRAFFIC OPERATIONS

The aspect of maintenance and operations dealing with the placement and maintenance of signs, striping, and buttons is often either directly under the traffic engineer or at least is a separate section of the maintenance function because of the extreme liability concerns. This section can work closely with accident investigation and documentation.

MAINTENANCE MANAGEMENT SYSTEM

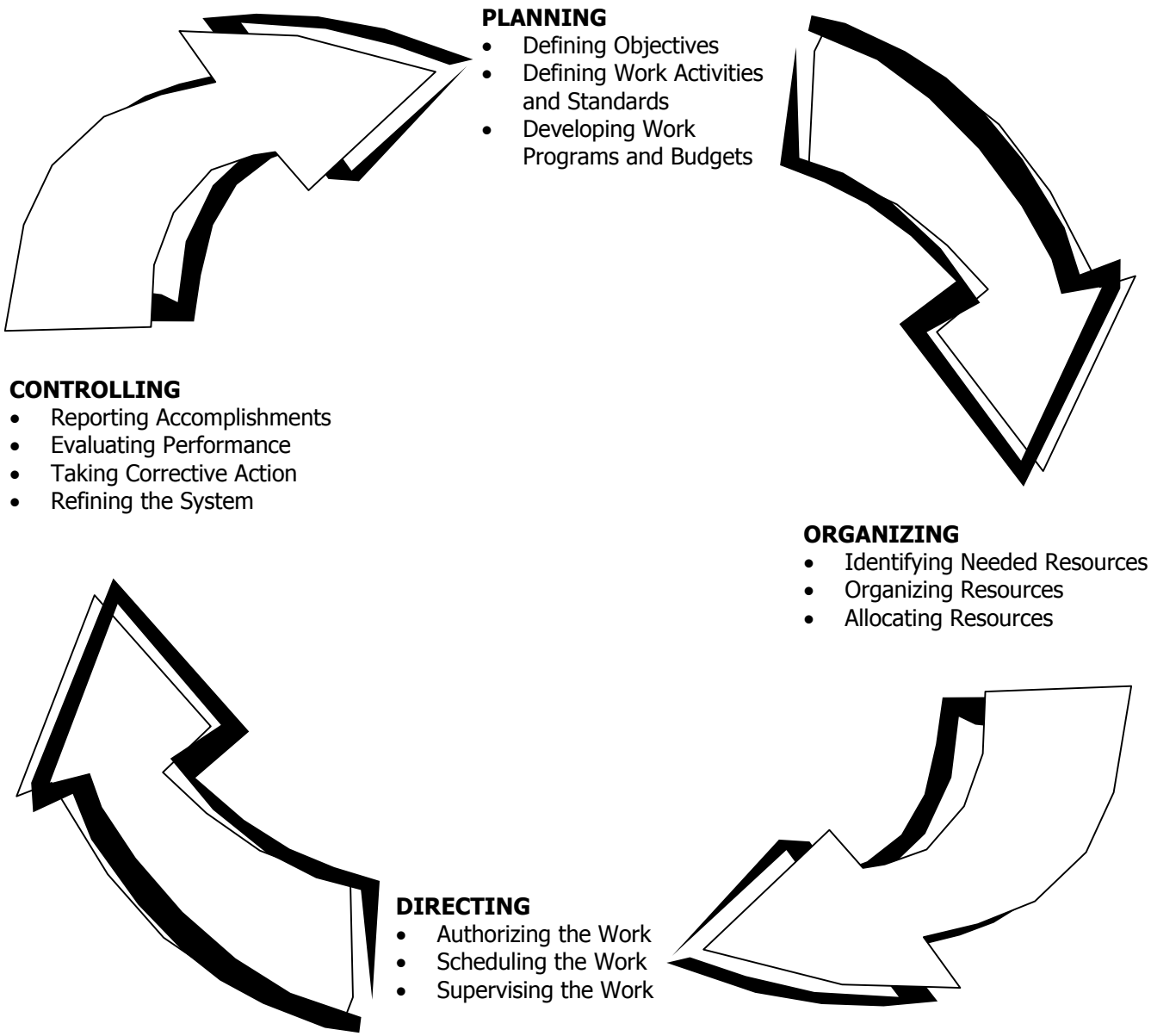


FIGURE 7-1

8.A. EQUIPMENT REVOLVING AND ROTATING FUND

8.A.1 General

As a county engineer or public works director, one of your more important duties is being the administrator of the Equipment Revolving and Rental Fund, typically referred to as 'ER&R'. Counties are required by statute to establish this separate county fund, which is a revolving fund created primarily for "…the purchase, maintenance, and repair of county road department equipment; for the purchase of equipment, materials, supplies, and services required in the administration and operation of the fund; and for the purchase or manufacture of materials and supplies needed by the county road department." [RCW 36.33A.010]

8.A.2. Authority

The authority for the creation of this fund is found in RCW 36.33A. All counties must have such a fund and it may be used by any other department of county government or any other government agency if so authorized by the board. [RCW 36.33A.020]

8.A.3. Administration

Although normally administered by the county engineer, the county legislative authority may appoint someone else [RCW 36.33A.030]. In any event, the county engineer retains the rate-setting function, subject to annual review by the legislative authority (RCW 36.33A.040), for all of the equipment owned by the fund to ensure that the costs of maintenance, repair, operating supplies, and future replacement costs are recovered.

8.A.4 Fund Structure

According to he BARS Manual, the ER&R fund is an internal service fund within the general proprietary funds. This funs accounts for operations that provide goods and services to other departments or funds of the county or to other governmental units on a cost-reimbursement basis. Depending upon the complexity of the county and the overall responsibility of the ER&R fund, up to seven different 'cost centers' can be created. These are:

- Pits, Quarries, and Asphalt Plants
- Mechanical Shops
- Parts Stores
- Fuel Depots
- Equipment Rental Services
- Motor Pool Services
- Other Transportation Services

8.A.5. Some Observations

In many cases, the ER&R fund is directly administered by the county engineer or public works director. If you are not experienced in the operation of such a 'business-oriented' function, you should ensure that an experienced, professional manager is put in charge of the day-to-day operations of the ER&R. Remember

that ER&R operates on a cost-recovery basis – and your use of the road equipment and materials that are furnished to you from this fund constitutes by far the largest amount of revenue for the fund. You should also consider 'earmarking' any accumulated funds set aside for capital replacement for that specific purpose so as to discourage 'borrowing' efforts by others for non-road purposes (loans are allowed, but must be repaid in a timely manner with interest).

8.B. RISK MANAGEMENT

A major reason for a strong road department is to make the roads safe for public travel. A negative aspect of the Engineer responsibility is the county and personal liability in the event the public is injured. The method the county spends its resources to reduce its liability either through safety improvements, better maintenance, more attention to traffic operations, or individual training and records management all constitute risk management. In order to cover the potential financial risk of losing a liability lawsuit, counties are typically either self-insured or members of the Counties Risk Pool, a consortium of counties.

Upon initial hire, the Engineer needs to verify his/her status as to protection under the counties' risk management agreements against personal liability in the event he/she is personally sued for faulty work.

8.C. EMERGENCY MANAGEMENT

8.C.1. General Information

Emergency Management in Washington State is authorized by the laws contained in RCW 38.52. The Washington State Military Department, Emergency Management Division (EMD) administers the state emergency management program. Each political subdivision is authorized and directed to establish a local organization or to be a member of a joint local organization for emergency management in accordance with the state comprehensive emergency management plan and program. [RCW 38.52.070] More specifically, WAC 118-30-040 sets out the responsibilities of political subdivisions:

> *"(1) Each political subdivision must establish an emergency management organization by ordinance or resolution passed by the legislative body of the political subdivision. Two or more political subdivisions may join in the establishment of an emergency management organization.*
>
> *(2) Each political subdivision shall develop, promulgate, and submit a comprehensive emergency management plan…."*

A comprehensive emergency management plan is a written basic plan with elements that address all natural and manmade emergencies and disasters to which a political subdivision is vulnerable. The comprehensive emergency management plan specifies the purpose, organization, responsibilities and facilities of agencies and officials of the political subdivision in the mitigation of, preparation for, response to, and recovery from emergencies and disasters. WAC 118-30-060 requires that the plan include a functional description of how numerous operational components will be addressed. Two of those "operational

components" are Transportation and Emergency Engineering Services. Road system related emergencies should be fully covered in the county's plan. In other words, like it or not, the Road Department is a major player in emergency management activities. At times, road maintenance personnel may even be the first ones on the scene of an emergency (landslide, etc.).

Some of the most commonly occurring emergency situations will involve the Road Department; flooding and snow and ice storms being two of the most common. It is recommended that every road department develop its own Emergency Response Plan to address the internal policies and procedures inherent in responding to emergencies. CRAB has developed a Model Public Works Emergency Response Plan that counties may adapt to fit their individual needs. CRAB also maintains examples of Snow and Ice Plans and Flood Operations Plans as reference materials.

One thing to note is that RCW 38.52.070(1) requires that "Local comprehensive emergency management plans must specify the use of incident command system for multiagency/multijurisdiction operations." (Emphasis added.) Any of your staff that is involved in emergency response should be familiar with the Incident Command System.

Contact the EMD for courses related to Emergency Management, some of which are specific to Public Works issues.

8.C.2 Commissioners' Authority

Washington State law gives local jurisdictions the responsibility for protecting their citizens. It also provides great flexibility in paying for such costs when a disaster occurs requiring local action beyond normal capabilities, provided that local officials issue a proclamation or resolution of emergency. A local proclamation authorizes the emergency use of local resources and allows emergency expenditures, as well as waiving the normal bid procedures, if necessary. A local proclamation is a prerequisite for some state or federal assistance.

The RCW has specific sections that deal with emergency powers for local governments. The section that applies to counties is RCW 36.40.180. Generally, before requesting state assistance or a Governor's Proclamation of Emergency, all local resources are committed and effective response is beyond the capabilities of the affected local jurisdiction. Local resources include those owned by the local jurisdiction or private sources obtained with local funds. Mutual aid or interlocal agreements should be considered as well. (See Section 8.C.4.)

8.C.3. State Assistance

The state may respond even if a Governor's Proclamation is not issued. Any response under the State Comprehensive Emergency Management Plan or any special contingency plan can be initiated without a proclamation of emergency. This commitment of resources can create a severe financial strain that can be overwhelming to long-term recovery.

A Governor's proclamation does not imply that the state will reimburse the local costs of responding to or recovering from an emergency. If other assistance is not available, the cost of recovery is borne by the individual; local and state governments; businesses and industry; and Indian Tribes. State assistance is supplemental to the local capacity to recover from disasters.

There may be federal assistance in dealing with road and bridge emergencies under certain conditions. Chapter 33 of the WSDOT LAG Manual provides an excellent and essential discussion of the process and procedures to be followed. The Public Works Trust Fund also has a loan program for repairs to damaged facilities.

8.C.4. Mutual Aid and Interlocal Agreements[17]

Mutual Aid and Interlocal Agreements exist to provide local jurisdictions with the opportunity to exchange services during an emergency or disaster.

A Mutual Aid Agreement is general in nature and is basically an understanding that support will be provided, *if possible*. The type of service to be provided is frequently open-ended. A Mutual Aid Agreement is an understanding that, "…my jurisdiction will assist your jurisdiction during an emergency. Give me a call, let me know what you need, and I'll see what we can do." In most circumstances, Mutual Aid Agreements are required to be implemented before assistance is requested from the state.

An Interlocal Agreement is specific in perspective and it is more contractual in design. With an Interlocal Agreement, specific services are agreed upon to be provided under defined conditions. An Interlocal Agreement provides a much clearer understanding of what support may be received during an emergency or disaster, but is less flexible.

It is important to understand that both Mutual Aid and Interlocal Agreements are contracts and can say and do what the parties want and agree should be done. In preparing agreements, legal authorities of the jurisdictions, prosecuting attorneys, city attorneys, or hired counsel should play an important part in drafting the document. What is prepared and signed is a matter of coordination and agreement between the local jurisdictions and must comply with legal requirements for that jurisdiction. Once signed, it is a contractual obligation.

For more information, see the "Mutual Aid and Interlocal Agreement Handbook", published by EMD.

8.C.5. Organizing for Emergencies

Since emergencies frequently occur with little or no advance warning, it is important that each County Engineer have an emergency response plan in place <u>before</u> an emergency occurs. At a minimum, this plan should include:

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[17] *"Mutual Aid and Interlocal Agreement Handbook",* Washington State Military Department, Emergency Management Division, Camp Murray, Washington, January 2001.

1. The basic chain of command with defined alternatives to be followed in case key personnel are not immediately available;
2. An up-to-date list of all personnel home telephone numbers;
3. Blank "declaration of emergency" resolution forms for the use of your legislative authority; and
4. Special labor, equipment, and materials record forms to track all costs attributable to the emergency. The BARS Manual provides a special expenditure code – 545.xx "Road and Street Extraordinary Operations" – just for such situations. The record forms should also include space for recording the specific locations including the federal functional class code at which the emergency work is being done. Such a recordkeeping system is essential should the emergency become eligible for federal funds.

8.C.6. Documentation

Documentation is the process of establishing and maintaining accurate records of events and expenditures related to disaster recovery work. Documentation basically describes the "what, who, when, where, and how much" for each item of disaster recovery work. Adequate documentation is necessary for you to:

1. Recover all of your eligible costs.
2. Have the information necessary to develop your disaster projects.
3. Have the information available (which the state and FEMA will need to see) to validate the accuracy of your small projects.
4. Be ready for any state or federal audits or other program financial reviews.

Additional information on required documentation and other issues related to the FEMA Public Assistance Program are available from the State EMD.

8.D. LABOR-MANAGEMENT ISSUES

One of the toughest aspects of the Engineer's job is being a manager and leader of your employees. Everyone knows you should treat everyone fairly and honestly, but actions are harder to accomplish than words. Public Works and road maintenance in particular is very unionized. The good news is that most of the rules are published in the union-management contract and if you follow them religiously you will be "right" – possibly "dead right", but "right". Recognizing that most contracts and unions are the result of poor management, the best advice we can give is to work with the union stewards and always listen to your employees. If they feel involved, included, and listened to, the majority will solve many of your problems with trouble employees for you. Treat them with respect and they will treat you likewise. Alienate them and your life will be miserable.

A decision point is whether you personally should be involved in the contract negotiations, or if you should be on the sidelines. There is no right answer.

Most problems are over wages (which the employee will usually realize you have no control over) and overtime and promotions (which you do control). Set procedures that are fair and easily understood and follow them in every situation and life will be easier.

Visit the job sites and get to know every employee and treat them like the valued members of your team that they are.

8.E. RECORDS MANAGEMENT

RCW 36.80.040 states:

> *"The office of county engineer shall be an office of record; the county road engineer shall 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, in order to have the complete history of any such road, highway, bridge, ditch, or other survey; and shall number each construction or improvement project. The county engineer is not required to retain and file financial documents retained and filed in other departments in the county."*

Face it, during your tenure as County Engineer, many public records will cross your path. The question is, what do you do with them? RCW 40.14 and WAC 434 regulate the retention and disposition of public records. The term "public record" applies to any paper, correspondence, form, bound volume, film, magnetic record, drawing, or other document, regardless of media, that has been created or received by any state or local government agency during the course of public business.

The county may have a records manager and, in larger counties the Public Works Department may have its own records manager. In either case, it is important that you have a basic knowledge of Records Management as it applies to Public Works records. A few things to remember:

1. All public records remain the property of the agency. Outgoing officials and employees must pass such records on the their successors. Furthermore, public records must be preserved, stored, transferred, destroyed, and otherwise managed according to the provisions of RCW 40.14 unless otherwise provided by law. [WAC 434-615-010]

2. Access must be provided for the public inspection and copying of agency records according to the provisions of the Public Disclosure Act (RCW 42.17). Public records may be destroyed or transferred only in accord with the instructions and approval of the State of Washington's Local Records Committee. [RCW 40.14.070]

3. The Local Records Committee adopts and issues records retention schedules that give authority to local agencies for the disposition of specific types of commonly held records. General records retention schedules provide this authority on a recurring basis until such time as they are revised or rescinded by the Committee. In addition, local agencies may develop their own records retention schedules and submit them to the Local Records Committee for approval. Once a records retention schedule has been approved by the Committee, the local agency has the authority to process the records listed thereon until the schedule is revised or amended.

Instead of being retained permanently by the agency, records designated as having archival or historical value may be officially transferred to the State Archives or one of its regional branches. It is illegal to transfer public records to private persons or organizations or to depositories not designated by the State Archivist.

The current General Records Retention Schedule for Local Government "Public Works – Engineering" documents is included as Figure 8-1. For more information on the intricacies of managing your records, talk to your Records Manager or Contact the State Archivist. The MRSC website (www.mrsc.org) contains a copy of the Local Government Records Management Manual.

8.F. ANNEXATIONS AND INCORPORATIONS

8.F.1. Annexations[18]

There are a number of methods available to cities and towns in Washington by which they can annex property. In most cases, the area to be annexed must be contiguous to the boundaries of the city. The procedures by which annexations must occur are governed strictly by state law. One set of statutory procedures applies to cities of the first and second class and towns (RCW 35.13) while another set of statutory procedures apply to code cities (RCW 35A.14). Cities and towns that are located in counties that plan under the Growth Management Act may only annex property that is located within their identified urban growth areas.

8.F.2. Incorporations[19]

Under Washington law, an area can incorporate as a city if it has a minimum of 1,500 inhabitants. If within five air miles of the boundaries of a city with a population of 15,000 or more, the area must have a minimum of 3,000 inhabitants. The basic procedure to incorporate is set out in RCW 35.02, and includes a petition requirement, review by a boundary review board or the county legislative authority in counties without a board, and an election.

8.F.3. Boundary Review Boards

Boundary Review Boards are created by RCW 36.93.030 in each county with a population of 210,000 or more (King, Pierce, Snohomish, and Spokane Counties). Boundary Review Boards may be established in other counties either by resolution adopted by majority vote of the county governing body or by a petition signed by persons equal in number to at least five percent of the votes cast in the county at the last county general election.[20]

The State Legislature created Boundary Review Boards to ease the problems that may arise from the "rapid proliferation of municipalities and haphazard extension of and competition to extend municipal boundaries." [RCW 36.93.010] The boards are to promote the logical growth of local governments, reduce municipal

[18] Municipal Research & Services Center, Seattle WA.
[19] Ibid.
[20] If a county that contains one or more code cities chooses not to establish a Boundary Review Board, it must establish a "County Annexation Review Board" [RCW 35A.14.160]

competition for unincorporated territory, and preserve property values and consistent land use planning.

The makeup of the board varies depending on the population of the county. In counties with populations of less than one million, the board consists of five persons, two appointed by the Governor and one each appointed by the county appointing authority, the mayors of the cities and towns, and the special districts. In counties that have one million or more people, the board includes eleven persons, three appointed by the Governor, three by the county appointing authority, three by the mayors of the cities and towns, and two by the special districts. Boundary Review Boards, where they exist, are responsible for examining, evaluating, and making binding decisions regarding proposed incorporations and annexations.

However, in counties in which the GMA applies, the responsibility to effect such policies now primarily resides with city and county governments. In apparent recognition of this shift of responsibility in GMA counties, the legislature has authorized any GMA county, at its discretion, to disband its boundary review board (if any) after the county and the cities and towns within it have adopted comprehensive plans and consistent development regulations that comply with GMA requirements. [RCW 36.93.230] After disbandment of a boundary review board, cities and towns within the county will not, presumably, have annexations reviewed by any board. Thus, the GMA makes annexations a part of the overall planning process and essentially eliminates much of the annexation decision-making process in cities within its purview. The annexation issue facing cities in GMA counties will not be so much whether to annex as when to annex.

8.F.4. Road-Related Issues

A proposed incorporation or major annexation will likely make a very big 'splash' in the local media and in the county commissioners' office as well. One issue that always is a big deal is the loss in sales tax base and in real property taxes. These can cause a big 'hit' on the county's current expense revenues. Because a significant part of the road fund revenue is based on a portion of the real property tax, the road fund will also be reduced. This reduction often goes virtually unappreciated, as the first assumption is that the reduction in road-related services will offset the reduction in revenues. This assumption is somewhat true, but even if the ratio is one-to-one, you are staffed, own equipment, etc. based on the existing road system and, unless you have a service contract with the new or expanded city, it will take time to downsize to match your new revenues.

What is often overlooked, at least initially, is that there is also a loss in MVFT revenue and in CAPP funds as well. (See Section 3.B.2.). Furthermore, you may have some projects already on the 'drawing board' for which you have expended preliminary engineering funds within the incorporation or annexation area. Another item that seems to be cause for a great deal of consternation with legislative authorities is the transferring of recently completed capital improvements to city jurisdiction. Most legislative authorities (and many county engineers, too) want to get at least some of their investment back. In short, there are a number of annexation issues that will impact the road department. In

addition, there may be a variety of non-road-related public works impacts such issues as ER&R, stormwater management, solid waste, parks and recreation, building department, etc. that may also be under your management.

8.F.5. An Incorporation or Annexation Business Plan

In order to correctly compute the effect of an incorporation or significant annexation, the County Engineer (or Public Works Director) needs to develop a two-stage business plan addressing transition impacts as well as the subsequent steady-state situation. The length of the transition period will likely vary depending upon several factors including any on-going adjustments from earlier incorporations or annexations; the size and complexity of the incorporation or annexation; and the likelihood, scope, and duration of service contracting within the city. You must be able to provide both timely and accurate cost estimates of such proposed actions to your legislative authority, sometimes on very short notice. As all of the information is not necessarily available, you must also consider and analyze suitable alternatives in the areas of uncertainty. Having a basic business plan for these eventualities will greatly assist you. The business plan should address each of the issues listed below.

I. Road Department Issues
   A. General Revenue Reductions in:
      1. Road levy;
      2. Motor Vehicle Fuel Tax receipts;
      3. County Arterial Preservation Program allocations; and
      4. Local Option Taxes (Vehicle License, Local Gas Tax, etc.).
   B. Capital Improvement 'Sunk' Revenue (grant funds allocated to projects within the incorporated / annexed area):
      1. TIB funds;
      2. Rural Arterial Program funds;
      3. Federal transportation funds; and
      4. Other funds (bonds, PWTF loans, etc.).
   C. Expenditure Reductions in:
      1. Routine and programmed road and bridge maintenance, rehabilitation, and resurfacing;
      2. Programmed preliminary engineering, right-of-way, and construction engineering costs for projects that will no longer proceed; and
      3. General administrative and overhead costs including general engineering (non-CIP) such as bridge inspections and traffic studies; survey monumentation preservation; utility permits and inspections; GIS data; development review and site inspections; TIP/STIP development; general transportation system planning; insurance; general office administration; various management system inventory data collection; etc.
   D. Non-Recoverable, One-Time Encumbrances (money already spent without significant tangible benefit or new expenses connected with the incorporation/annexation) including:

1. Expended preliminary engineering for projects that will not progress;
2. Expended right-of-way costs including engineering costs and payments for already acquired right-of-way completed in anticipation of new construction;
3. Any other work-in-progress in the incorporation /annexation area;
4. Various legal expenses involving issues within the area; and
5. Assembly and transfer of appropriate records, maps, etc.

E. Service Contracts with City (potential only; scope and duration to be negotiated):
1. Road and bridge maintenance
2. Road and bridge construction

II. Other Public Works Areas (similar breakdown of specific items as for the road function for other areas under your responsibility) including:
A. ER&R;
B. Stormwater Management;
C. Solid Waste;
D. Parks and Recreation; and
E. Public Services such as the Building Department, Permit Center, etc.

8.F.6. Assistance

Much assistance to your legislative authority on topics such as property tax, sales tax, etc. primarily affecting general fund issues is available at the WSAC office. CRAB can provide you with information and estimates regarding reductions in your MVFT and CAPP revenues. County Engineers dealing with an incorporation or annexation issue for the first time are highly advised to discuss the issues and their ramifications with county engineers who are well experienced in this phenomenon; call CRAB for some suggestions.

General Records Retention Schedules for Local Government Agencies

Public Works – Engineering

Abandoned, voided, or defective drawings	Destroy
Aerial survey photograph prints, negatives, and flight maps	PERMANENT
Annual Bridge Report	10 years
Annual Construction Program	PERMANENT
As-Built construction project plans and specifications	Life of structure plus 10 years
As-designed drawings and specifications	Life of structure plus 10 years
Bridge Inspection Files	Life of structure plus 10 years
Citizen Service Requests/Complaints	3 years
Construction Project Files	Completion of project plus 6 years
Construction Projects: Preliminary plans and worksheets	Completion of project
Crew Chief/Foreman's Weekly Record/Crew Sheets	3 years
Daily Maintenance Activity Record/Crew Sheets	3 years
Development Files for ACP and TIP	Until obsolete or superseded
Emergency Response Logs	6 years
Geological Data	Until obsolete or superseded plus 6 years
Land Survey Field Books	PERMANENT
Local Improvement District Files	PERMANENT (Clerk of Legislative Authority)
Maintenance Foremen's Reports	3 years
Pit and Quarry Material Control Files	3 years
Plats	PERMANENT (County Auditor)
Right-of-Way Case Files	Life of right-of-way
Right-of-Way Vacation Files	Approval by Legislative Authority plus 10 years
Road and Bridge Closure Notices	Reopening plus 6 years
Road and Bridge Maintenance History Files	10 years
Road Establishment Case Files	Life of road plus 10 years
Road Improvement District Case Files	Close out of funding plus 6 years
Road Maintenance Project Files	Completion of project plus 6 years
Six-Year Transportation Improvement Program	PERMANENT (Clerk of Legislative Authority)
Storm/Disaster Response Action Files	6 years
Street Light History Records	Life of equipment
Survey Maps Filed for Record	PERMANENT
Traffic Accident Reports	3 years (District or Municipal Court)
Traffic Count Data	6 years
Traffic Count Reports	Until obsolete or superseded
Traffic Sign Inventory	Until obsolete or superseded

Figure 8-1