

Minutes
County Road Administration Board
April 14-15, 2016
CRAB Office – Olympia, Washington

Members Present: Dale Snyder, Douglas County Commissioner, Chair
 Brian Stacy, PE, Pierce County Engineer, Vice-Chair
 Andrew Woods, PE, Columbia County Engineer, Second Vice-Chair
 Rob Coffman, Lincoln County Commissioner
 Lisa Janicki, Skagit County Commissioner
 Kathy Lambert, King County Council Member
 Bill Schulte, Lewis County Commissioner
 Mark Storey, PE, Whitman County Engineer

Member Absent: Al French, Spokane County Commissioner

Staff Present: Jay Weber, Executive Director
 Walt Olsen, PE, Deputy Director
 Steve Hillesland, Assistant Director
 Karen Pendleton, Executive Assistant
 Randy Hart, PE, Grant Programs Manager
 Derek Pohle, PE, Compliance & Data Analysis Manager
 Jeff Monsen, Intergovernmental Policy Manager
 Mike Clark, Road Systems Inventory Manager
 Rhonda Mayner, Secretary
 Bob Davis, Systems Manager
 *Bob Moorhead, PE, Maintenance Manager
 *Don Zimmer, Road Systems Inventory Manager
 *Jim Oyler, Support Specialist
 *Kathy O'Shea, Database Specialist
 *Eric Hagenlock, Chief Applications Architect

Guests: *Tim Elsea, PE, Lewis County Engineer/PWD
 *Mike Kroll, Lewis County
 *Gary Ekstedt, PE, Yakima County Engineer
 *Mitch Reister, PE, Spokane County Engineer
 *Chad Coles, PE, Spokane County Assistant Engineer
 *Cathy Wolfe, Thurston County Commissioner
 *Jon Tunheim, Thurston County Prosecutor
 *John Snaza, Thurston County Sheriff
 **Gary Rowe, WSACE Managing Director

**April 14, 2016 only*

***April 15, 2016 only*

CALL TO ORDER

Chair Snyder called the County Road Administration Board quarterly meeting to order at 9:00 am on Thursday, April 14, 2016, at the CRAB Office in Olympia.

CHAIR'S REPORT

Approve Agenda for the April 14-15, 2016 Board Meeting

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

Approve Minutes of January 21-22, 2016 Board Meeting

Commissioner Janicki noted a correction of page 4 – it states “Vice-Chair Snyder recommended...”. Chair Snyder noted that he had been the person to make the recommendation. Commissioner Janicki moved and Mr. Storey seconded to approve the minutes of the January 21-22, 2016 CRABoard meeting as amended. **Motion carried unanimously.**

Proposed Amendment to Minutes of October 29-30, 2015 Board Meeting

Chair Snyder noted a request from Robin Campbell of Thurston County to amend her testimony with the addition of the words “with modifications”. Commissioner Coffman moved and Commissioner Janicki seconded to amend the minutes of the October 29-30, 2015 CRABoard meeting as proposed. **Motion carried unanimously.**

Welcome New CRAB Staff Member

Mr. Olsen introduced Mr. Clark, who will be taking over as Road Systems Inventory Manager following Mr. Zimmer's retirement in August.

WORK SESSION/POSSIBLE EXECUTIVE SESSION

At 9:07am Chair Snyder announced to staff that they were welcome to leave during the works session if they had other things to work on.

The Board discussed the process they would like to pursue in recruiting for Executive Director Jay Weber's replacement prior to his retirement September 1, 2017.

Chair Snyder closed the work session and recessed the regular meeting at 11:25 am.

Chair Snyder reconvened the regular meeting at 1:00 pm.

He requested that all cell phones be muted and that guests please sign-in.

RURAL ARTERIAL PROGRAM – Randy Hart

Program Status Report

Mr. Hart noted that 1029 projects have been completed. Anticipated revenue to the end of the 2015-2017 biennium is \$561,828,974. RAP expenditures to date total \$518,369,224. RAP obligations remaining are \$121,666.621.

In the current RAP cycle, he reported that preliminary prospectuses for 125 projects totaling approximately \$152,000,000 have been submitted. He anticipates that roughly half of these will be submitted as final proposals, due in September 2016. Revenue available is approximately \$40,000,000.

Project Actions Taken by CRAB Staff

Mr. Hart reported that Kitsap County was granted an extension in construction lapsing to April 26, 2017 for the Glenwood Road project; Jefferson County was granted an extension in construction lapsing to March 10, 2018 for the Dosewallips Road project; and Whitman County was granted an extension in construction lapsing to March 26, 2018 for the Almota Road project.

Resolution 2016-003 – Apportion RATA Funds to Regions

Mr. Hart presented Resolution 2016-003, which apportions the accrued amount of \$4,692,387 now credited to RATA for January through March, 2016 to the regions by the established 2015-17 biennium regional percentages after setting aside \$121,125 for administration. Second Vice-Chair Woods moved and Mr. Storey seconded to adopt Resolution 2016-003 as presented. **Motion carried unanimously.**

Resolution 2016-004 – Allocate Estimated Revenue to Projects

Mr. Hart presented Resolution 2016-004, which allocates \$8,680,200 of estimated 2015-17 fuel tax funds and turned back funds to projects in the five regions. He noted that \$1,674,912 in unallocated funds will be available to the Puget Sound and Southwest regions for 2017-2019 projects. Second Vice-Chair Woods moved and Vice-Chair Stacy seconded to adopt Resolution 2016-004 as presented. **Motion carried unanimously.**

Project Request – Lewis County

Commissioner Schulte recused himself from discussion and voting on this request.

Mr. Hart announced that Lewis County has requested that the CRABoard waive reimbursement of \$123,640.22 in expended RATA funds used for design of their withdrawn Centralia Alpha Road project. The county has used \$152,283.80 in RATA funding for design to date, and proposes to pay back the \$28,643.58 difference.

The Centralia Alpha Road project was submitted by the county on August 28, 2008, requesting \$1,000,000 in RATA funds. Total project cost at that time was listed as \$3,000,000.

In its letter dated January 11, 2016, the county withdrew the project from RATA funding, offering to pay back the entire expended RATA amount. The county cited a major increase in cost and the need to focus its federal STP fund allocation on their Highway 603 project. During discussions about this request at the January 2016 CRABoard meeting, the Board suggested the county consider seeking a waiver of payback for some of the spent RATA funds since the county had expressed commitment to building most of the project in the near future.

In a follow up letter dated February 9, 2016, the county rescinded the repayment portion of the original withdrawal letter in order to pursue a waiver of payback request. CRAB staff met with county staff on February 26, 2016 to outline conditions

and parameters for requesting a waiver of payback, again affirming the county's intent to pursue the project and retain most of the original scope at a later time. CRAB staff suggested the county clearly outline the paid RATA funds that it considered would be used for design of the future project and submit a letter with attachments requesting waiver of pay back.

The county's April 1, 2016 withdrawal and waiver of payback request letter indicates that it intends submit for RATA funding and build a project that will be shorter by 26.5%. The county lists total and RATA usable design costs on a future project, and claims that 77% of the costs would apply to a new project.

The planned project will be from milepost 10.60–11.85 and will address the area of the road where sliding is occurring. It will also realign the Senn Road and Oppelt Road intersections. Two vertical curves will be improved, there will be drainage and storm-water improvements, and guardrail and other safety features will be installed.

Staff finds the county has fulfilled the WAC requirements regarding request for waiver of payback. The county has clearly explained that increases in cost to both the Centralia Alpha Road and Highway 603 projects are such that its STP funding, which provided a major portion of the Centralia Alpha project funding, is now directed to Highway 603, thus prompting withdrawal of Centralia Alpha Road. Staff also finds both the dollar amounts and justification for those amounts are clearly described by the county in its request. Further, the county has repeatedly indicated the project will remain on its six-year construction program and plans to construct a majority of the original improvements in the near future. Staff therefore recommends approval of the waiver of payback of \$123,640.22 in expended RATA funds used for design of the withdrawn Centralia Alpha Road project, and that the county reimburse to the CRABoard the remaining \$28,643.58.

Mr. Hart introduced Mr. Elsea and Mr. Kroll, who provided further information.

Following questions and discussion, Vice-Chair Stacy moved and Commissioner Coffman seconded to approve Lewis County's request that the CRABoard waive payback of \$123,640.22 in expended RATA funds used for design of the withdrawn Centralia Alpha Road project, and that the county reimburse to the CRABoard the remaining \$28,643.58. **Motion carried unanimously, with Commissioner Schulte recused.**

Project Request – Yakima County

Mr. Hart announced that Yakima County has requested an additional construction lapsing time extension for the North Meyers Road Bridge #502 project. The project is scheduled to lapse on April 19, 2016, after the county had already received a two-year time extension to April 19, 2015, plus a CRABoard-initiated one-year extension at the April 2015 CRABoard meeting to April 19, 2016. The county requests the CRABoard take additional action to extend the lapsing date to October 31, 2016.

Since the county's extension request last year, it has made progress on securing the necessary rights of way through condemnation. However, the condemnation action was not settled until January 25, 2016, which resulted in right of way not being certified by WSDOT Local Programs until March 15. Also, in December 2015 the county was notified that due to changes in the federal funding amounts for the project, they would need to amend the STIP. This process was undertaken immediately, but was not completed at the MPO/RTPO until March 18. The county was finally notified April 12, 2016 that the amendment was approved by FHWA. This did not allow enough time to complete fund obligation and bid advertisement by the current lapsing date of April 19, 2016.

The county is requesting an additional extension in order to have flexibility in coordinating the construction on this project with the replacement of the adjacent Bridge #485. The county's original objective was to bid both projects together. Because of the condemnation action on this project, the county elected to bid the #485 project separately. At this time, the contractor on the #485 project requires access to that bridge from both ends and across the #502 bridge. Because of uncertainties in scheduling the #485 work until completion of a Test Pile program, the county is unable to identify, for potential bidders on the #502 bridge, how work on the two bridges must be coordinated. The county states that the worst case scenario could be that in-water work on the #502 project cannot be completed in the 2016 work window. In that case, the county plans to wait and advertise the project in late September/early October of this year. If the #485 contractor is able to accept an earlier start date on the #502 bridge, which would allow completion of the necessary in-water work this year, the county would bid the #502 project as soon as possible.

Staff finds that the county has diligently pursued the project, which has been tied to other projects and multiple right of way and cultural issues and has acquired the needed right of way over the last year after gaining the extension that was approved in April of 2015, making significant advances to construction; that the additional time needed to effectively coordinate two adjacent bridge construction projects warrants an additional, relatively short, extension in the lapsing date for RATA funding; and that the interest of public safety, health and general welfare is cited in WAC 136-167-040 (5) as the basis for CRABoard to grant an additional extension. This request serves that purpose.

CRAB staff therefore recommends an additional extension be granted to October 31, 2016 per WAC 136-167-040, which will allow the county to retain its RATA funding while it continues to advance the Bridge #502 project to construction.

Mr. Hart introduced Mr. Ekstedt, who provided further information to the Board.

Following questions and discussion, Second Vice-Chair Woods moved and Commissioner Janicki seconded to approve Yakima County's request for an additional construction lapsing time extension for the North Meyers Road Bridge #502 project to October 31, 2016. **Motion carried unanimously.**

Noting the time, Chair Snyder advanced the agenda. He requested than anyone wishing to testify sign in, and called for a brief recess.

PUBLIC HEARING

Chair Snyder called the public hearing on WAC 136-25 to order at 2:00 pm.

He then recessed the hearing in order to hear Spokane County's report, as Mr. Reister and Mr. Coles had a plane to catch.

Project Update - Spokane County

Mr. Hart noted that the county has pursued RATA-funded improvements on Bigelow Gulch and connecting routes since 1988. \$14,415,563 in RATA funds have been authorized for six projects, with \$1,813,591 spent to date. The spending plan for the remaining funds extends through 2021. He introduced Mr. Reister and Mr. Coles, who updated the Board on the progress of the Bigelow Gulch 4 project, which has been separated into two phases. Mr. Coles noted that they have completed their environmental review, although it is under appeal in the 9th Circuit Court; they are in the process of acquiring right-of-way; and they are largely finished with design. They hope to advertise in late fall and begin construction in November.

Chair Snyder reconvened the public hearing on WAC 136-25 at 2:18 pm.

Mr. Pohle presented staff's recommendations for WAC 136-25 Standard of Good Practice-Traffic Law Enforcement Expenditures.

Chair Snyder opened the public comment portion of the hearing at 2:15 pm.

Commissioner Wolfe expressed concerns that the adoption of WAC 136-25 could affect Thurston County negatively in regards to their eligibility for receiving a 2015 Certificate of Good Practice. Chair Snyder assured her that this was not the case.

Mr. Tunheim stated that the county believes that law enforcement activities extend "beyond the side of the road", and diverted funds should be allowed for those activities. Commissioner Schulte stated that the primary purpose of road fund dollars is to maintain roads. Mr. Weber noted that the activities Thurston County has been funding are constitutionally legal, but eliminate the county's eligibility for RAP funding.

Sheriff Snaza expressed the thanks of the state sheriffs for allowing them to have input in the WAC development process.

Mr. Snyder noted a letter from the Washington State Association of Counties that was received this morning. Commissioner Janicki moved to accept the letter into testimony even though it arrived well past the deadline for written comments, and Council Member Lambert seconded. **Motion passed unanimously.**

Chair Snyder closed the public comment portion of the hearing at 2:40 pm, and opened the floor to Board discussion.

Following discussion and questions, Commissioner Schulte moved and Mr. Storey seconded to adopt WAC 136-25 Standard of Good Practice-Traffic Law Enforcement Expenditures as presented. **Motion passed unanimously.**

Mr. Pohle presented staff's recommendations for WAC 136-150-022 Ascertaining the expenditures for traffic law enforcement. He noted that this is an update to language in current statute to tie back to the new Standard of Good Practice.

Second Vice-Chair Woods moved and Commissioner Janicki seconded to adopt WAC 136-25 Standard of Good Practice-Traffic Law Enforcement Expenditures as presented. **Motion passed unanimously.**

The Board directed staff to prepare two letters, one in answer to Thurston County's concerns and another thanking the WSAC executive board for their comments, and present them during the meeting on Friday.

Chair Snyder closed the public hearing at 3:01 pm and called for a brief recess.

DIRECTOR'S REPORT – Jay Weber

CRABoard Positions

Mr. Weber reported that on April 18, 2016 he will be sending a letter to WSAC President Stephanie Wright notifying her of the expiration in June 2016 of the terms of Commissioner Snyder, Commissioner Coffman, and County Engineer Storey. He noted that all three are eligible for reappointment by WSAC.

WSACE County Engineer of the Year Nominations

Mr. Weber reported that nomination forms for the WSACE Engineer of the Year have been sent out. The application deadline is May 12, 2016.

WSACE Project-Program Manager Award Nominations

Mr. Weber reported that nomination forms for the WSACE Project-Program Manager Award have been sent out. The application deadline is May 12, 2016.

Audit

Mr. Weber reported that the exit interview covering the recent CRAB office audit will be held in the CRAB offices Wednesday, April 20. There were no findings, and staff will report the results of the audit to the Board at the July 2016 meeting.

Current Budget

Mr. Weber reviewed CRAB's current budget status, noting that there are minor variances in some areas but the agency is well on track to finish the fiscal year on budget.

2015-17 Supplemental Budget

Mr. Weber reported that the legislature appropriated \$9,000,000 to the RATA account in the supplemental transportation budget.

Chair Snyder noted that this will be Mr. Hillesland and Mr. Moorhead's last regular Board meeting, as they are retiring from CRAB staff this month and in May, respectively. He thanked them for their years of service, and cake was served.

MAINTENANCE MANAGEMENT REPORT

Mr. Moorhead noted meetings with the following counties since the January 2016 CRABoard meeting, as well as future commitments:

- March 7: Snohomish County RAP Prospectus Site Reviews
- March 8: San Juan County RAP Prospectus Site Reviews
- March 9: Whatcom & Skagit Counties RAP Site Prospectus Reviews
- March 10: Island County RAP Prospectus Site Reviews
- March 14: Cowlitz County RAP Project File & Field Review
- March 16: Walla Walla County RAP Project File & Field Review
- March 22: Pierce County RAP Prospectus Site Reviews
- April 5: Skamania County RAP Project File & Field Reviews
- April 8: Wahkiakum County RAP Project Field Review
- April 21: Clallam and Jefferson Counties RAP Prospectus Site Reviews
- April 22: Kitsap County RAP Prospectus Site Reviews

Other meetings attended/to be attended by Mr. Moorhead include:

- March 2: APWA History Committee Meeting, Issaquah
- March 15: Enhanced Gravel Road Treatments Workshop, Redmond, OR
- March 17: WSACE Eastern District Roundtable Meeting, Ritzville
- March 24: WSACE Western District Roundtable Meeting, Olympia
- April 5-8: Washington State Chapter APWA Spring Conference, Vancouver
- April 20: Eastern WA Association of County Road Supervisors, Moses Lake
- April 24-26: Volunteer at NACE National Convention, Tacoma

He noted that the Gravel Roads Study authorized by the CRABoard in April 2015 has been completed, and distributed draft copies to the Board. It will be posted on the CRAB web site in early May.

He presented a summary of CRAB training held since the January 2016 CRABoard meeting.

COMPLIANCE REPORT

Standards of Good Practice:

Mr. Pohle reported on county compliance in required submittals of Road Levy Certification, Traffic Law Enforcement Certification, Certification of Expenses for Fish

Passage Barrier Removal, Annual Construction Report, CAPP Report, Bridge Inspections, and Annual Certification. All 39 counties submitted their electronic filings in a timely manner.

He noted that some counties have yet to update their Bridge and Inspection Reports to contain the statutory minimum requirements, and that several counties are inconsistent in documenting their County Forces Construction projects on the Annual Construction Report. Staff is working with the counties on these issues.

County Audits:

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

Mr. Pohle summarized his recent activities.

RESOLUTION 2016-005 ANNUAL CERTIFICATION – Jay Weber

Mr. Weber announced that as required by RCW 36.78.090 and RCW 36.78.100, and pursuant to WAC 136-04-010 through WAC 136-04-060, he is submitting to the County Road Administration Board his report of his review of the annual certifications submitted by the counties for the calendar year 2015. Each year, these certifications provide information to this agency which touches upon three main areas: Management and Administration; Document Submittal, which includes such items as road levy certification, road log updates, construction reports, etc.; and Operations. From receipt of this information, staff is able to determine the level of compliance with applicable laws and Standards of Good Practice achieved by the counties of the State of Washington, and it is upon demonstrated compliance with these laws and standards which continued receipt of the fuel tax distribution depends.

Mr. Weber concluded that he is pleased to be able to report to the Board that all of the 39 reporting counties have demonstrated reasonable and substantial compliance with all applicable laws and Standards of Good Practice. He therefore recommended approval of Resolution 2016-005 stating the issuance of Certificates of Good Practice to the 39 counties.

Commissioner Schulte moved and Council Member Lambert seconded to approve Resolution 2016-005, issuing Certificates of Good Practice to all 39 counties.

Motion carried unanimously.

Chair Snyder recessed the meeting at 4:02 pm on Thursday, April 14, 2016. The meeting will resume Friday, April 15, 2016 at 8:30 am.

Friday, April 15, 2016

CALL TO ORDER

The second day of the CRABoard meeting was called to order by Chair Snyder at 8:30 am on April 15, 2016.

WSACE MANAGING DIRECTOR'S REPORT

Mr. Rowe noted that there was little action on bills of note during the recent special legislative session. He is working on a more equitable distribution of certain federal funds between the state and local agencies. He reported that the Association is working on a freight component of their Metrics site, identifying short span bridges throughout the state, streamlining fiscal reporting, and improving the HPA process.

He spoke briefly about the upcoming National Association of County Engineers National Conference to be held April 24-28 in Tacoma, and the Washington State Association of Counties Annual Conference to be held June 20-22 at Sun Mountain Resort. He thanked Mr. Hillesland and Mr. Moorhead for their assistance to WSACE over the years.

INTERGOVERNMENTAL POLICY UPDATE – Jeff Monsen

Mr. Monsen summarized his recent meetings and activities.

He noted that the March 2016 update to the County Engineers' and Public Works Directors' Desk Manual was released last week.

He reported that customized County Engineers' Training was presented February 3-4 in Asotin County with three participants. Customized training is scheduled for Pierce County on May 25-26, with approximately 20 participants expected. The semi-annual three-day training is scheduled for May 17-19 at CRAB, with nine participants currently signed up representing five counties.

He presented a chart showing the amounts counties receive from Motor Vehicle Fuel Tax revenues, Motor Vehicle Account Transport funds, and Multi-Modal funds.

DEPUTY DIRECTOR'S REPORT – Walt Olsen

County Engineers/Public Works Directors

Mr. Olsen noted that there have been no changes in the status of County Engineers and Public Works Directors since January 2016.

County Visits completed since January 2016

- Pacific County
- Thurston County (2)

Numerous contacts with County Engineers took place in other venues.

County Audit Reports reviewed since January 2016

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

CRAB has reviewed nine audit reports representing seven counties since the January 2016 board meeting. Two audits contained a total of two findings issued and none involved County Road Funds in any form. Any audit with Finding Report in bold print revealed substantive findings involving County Road Funds.

2014-2015 Audits

Report #	Entity/Description	Report Type	Audit Period	Date Released	New Find#	Co. Rd?	PrevFind#	Status
1016024	Pierce County	Accountability	01/01/2014 to 12/31/2014	3/31/2016	0		0	
1016417	Pierce County	Fraud	01/01/2014 to 05/11/2015	3/31/2016	1	N	0	
1016419	King County	Accountability	07/01/2014 to 06/30/2015	3/31/2016	0		2	NCR
1016188	Franklin County	Accountability	01/01/2014 to 12/31/2014	3/7/2016	0		0	
1016217	Walla Walla County	Accountability	01/01/2014 to 12/31/2014	3/7/2016	0		0	
1016115	Spokane County	Accountability	01/01/2014 to 12/31/2014	2/11/2016	0		0	
1016109	Kittitas County	Accountability	01/01/2014 to 12/31/2014	2/4/2016	1	N	0	
1015831	Snohomish County	Accountability	07/01/2014 to 06/30/2015	2/1/2016	0		0	
1016108	Yakima County	Accountability	01/01/2014 to 12/31/2014	1/28/2016	0		0	

Other Activities and Visits since January 2016

Mr. Olsen reported on his other activities.

Chair Snyder called for a brief recess.

INFORMATION SERVICES UPDATE – Steve Hillesland

Mr. Hillesland reported on the webitizing of the annual forms required by CRAB. He also spoke about the rate of IT staff feedback completion by product. He noted that Jim Ayres will be on a panel concerning UAV use by counties at the upcoming NACE Conference in Tacoma.

Other Business

Mr. Olsen presented a draft letter written on behalf of the Board in response to Thurston County's concerns regarding adoption of WAC 136-25, and its possible effect on the county's eligibility for present and future Certificates of Good Practice.

Mr. Woods moved to authorize Chair Snyder to sign the letter on behalf of the entire Board and Commissioner Schulte seconded. **Motion passed unanimously.**

Chair Snyder presented two draft versions of a letter in response to the WSAC Board of Directors' written public comment. The Board chose one version. Following discussion, Commissioner Schulte moved to accept the letter as amended and Commissioner Janicki seconded. **Motion passed unanimously.**

Mr. Weber addressed the issue raised by Thurston County as to the lack of an Attorney General's opinion on WAC 136-25. He proposed seeking an AGO opinion on three issues: prosecutorial activities, coroner's activities, and indigent defense activities; and whether those items fall under the definition of Road Funds. The Board directed Mr. Weber to move forward with the request.

Chair Snyder adjourned the meeting at 10:36 am.

Chairman's Signature: _____

Attest: _____