



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: County Road Administration Board

<input type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR _____ ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____ ; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input checked="" type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)
 WAC 136-150-022 Ascertaining the expenditures for traffic law enforcement
 WAC 136-150-024 Ascertaining the expenditures for marine navigation and moorage purposes
 WAC 136-150-030 Identifying eligible counties

Hearing location(s): County Road Administration Board
 2404 Chandler Court SW, Ste 280
 Olympia, WA 98504

Date: October 29, 2015 Time: 2:00 PM

Submit written comments to:
 Name: Karen Pendleton
 Address: 2404 Chandler Court SW, Ste 240
 Olympia, WA 98504-0913
 e-mail karen@crab.wa.gov
 fax (360)350.6094 by (date) October 23, 2015

Assistance for persons with disabilities: Contact
 Karen Pendleton _____ by October 23, 2015
 TTY (800) 883.6384 or (360) 753.5989

Date of intended adoption: October 29, 2015
 (Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules
 WAC 136-150-022 Ascertaining the expenditures for traffic law enforcement – proposed changes to this section requires each county sheriff to maintain records of actual annual traffic law enforcement expenditures in such format and detail as to demonstrate that the funds were used for traffic law enforcement. Also references new WAC 136-25 for defining traffic law enforcement activities.
 WAC 136-150-024 Ascertaining the expenditures for marine navigation and moorage purposes – adoption of this new section outlines ascertaining expenditures for marine navigation and moorage purposes, which were added as road purposes by EHB1868.
 WAC 136-150-030 Identifying eligible counties – proposed changes to this section defines uses of any expenditures of the road levy for marine navigation and moorage, per RCW 36.82.070, and highlights the requirement for a specific and identifiable account within the road fund for said purposes.

Reasons supporting proposal: Rule updates concomitant with adoption of new WAC 136-25 and passage of EHB1868.

Statutory authority for adoption: 36.78

Statute being implemented:

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

DATE
 July 29, 2015

NAME (type or print)
 Jay P. Weber

SIGNATURE

TITLE
 Executive Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 06, 2015
TIME: 3:11 PM

WSR 15-17-006

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) County Road Administration Board

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Derek Pohle	Thurston County	(360) 753.5989
Implementation....Derek Pohle	Thurston County	(360) 753.5989
Enforcement..... Jay Weber	Thurston County	(360) 753.5989

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

N/A

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: N/A

AMENDATORY SECTION (Amending WSR 03-21-136, filed 10/21/03, effective 11/21/03)

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, on a form provided by the county road administration board, 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 April 1st of each year. Each county sheriff shall maintain records of actual annual traffic law enforcement expenditures in such format and detail as to demonstrate that the funds were used for traffic law enforcement.

Definition of traffic law enforcement. For purposes of this chapter, traffic law enforcement is defined as engaging in the activities listed in WAC 136-25-030 in unincorporated county locations.

NEW SECTION

WAC 136-150-025 Ascertaining the expenditures for marine navigation and moorage purposes. In those counties in which road funds have been used for marine navigation and moorage purposes as specified in RCW 36.82.070, the county engineer shall submit a certification showing the amount of county road fund used for those activities related to marine navigation and moorage purposes performed contiguous with, adjacent to, or offshore concomitant to the county road right of way. Such certification shall be submitted to the county road administration board no later than April 1st of each year.

AMENDATORY SECTION (Amending WSR 03-05-010, filed 2/7/03, effective 3/10/03)

WAC 136-150-030 Identifying eligible counties. All counties with a population of less than eight thousand shall be eligible to receive RATA funds. Counties with a population greater than eight thousand shall be eligible to receive RATA funds only if, during the immediately preceding calendar year:

(1) 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;

(2) The amount of county road funds used beyond the county right of way for activities clearly associated with removal of fish passage barriers that are the responsibility of the county did not exceed twenty-five percent of the total cost of activities related to fish barrier removal on any one project and the total cost of activities related to fish barrier removal beyond the county right of way did not

exceed one-half of one percent of the county's total annual road construction budget;

(3) Any expenditures of the road levy for marine navigation and moorage by those counties eligible per RCW 36.82.070 were made from amounts deposited into a special account within the road fund for those purposes and, performed contiguous with, adjacent to, or off-shore concomitant to the county road right of way.

(4) All road funds that have been transferred to other funds have been used for legitimate road purposes;

~~((4))~~ (5) Revenues collected for road purposes have been expended on other governmental services only after authorization from the voters of that county under RCW 84.55.050; and

~~((5))~~ (6) County road levy funds have been expended in accordance with chapter 36.82 RCW.