



# PROPOSED RULE MAKING

## CR-102 (July 2022) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: September 13, 2022

TIME: 2:10 PM

WSR 22-19-026

Agency: County Road Administration Board

Original Notice

Supplemental Notice to WSR \_\_\_\_\_

Continuance of WSR \_\_\_\_\_

Preproposal Statement of Inquiry was filed as WSR \_\_\_\_\_ ; or

Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_ ; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW .

Title of rule and other identifying information: (describe subject) Amending WAC 136-400 to make changes to the County Ferry Capital Improvement Program.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
October 27, 2022	2:00pm	1800 Continental Place Mount Vernon, WA 98273	CRABoard meeting will be held in the Skagit county Board of County Commissioners hearing room.

Date of intended adoption: October 27, 2022 (Note: This is NOT the effective date)

Submit written comments to:

Name: Drew Woods  
Address: 2404 Chandler Ct SW, Suite 240; Olympia, WA 98504  
Email: Drew.Woods@CRAB.Wa.Gov  
Fax: N/A  
Other:  
By (date) October 21, 2022

Assistance for persons with disabilities:

Contact Drew Woods  
Phone: 360.753.5989  
Fax: N/A  
TTY: 800.883.6384  
Email: Drew.Woods@CRAB.Wa.Gov  
Other:  
By (date) October 21, 2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

Reasons supporting proposal: Clarify how often the County Ferry Capital Investment Program may be used to replace a county owned vehicle ferry.

Statutory authority for adoption: Chapter 36.78.07 RCW

Statute being implemented: Chapter 47.56.725(4) RCW

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:

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

Type of proponent:  Private  Public  Governmental

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

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Derek Pohle	2402 Chandler Ct SW, Suite 240; Olympia, WA 98504	360.753.5989

Implementation: Steve Johnson 2402 Chandler Ct SW, Suite 240; Olympia, WA 98504 360.753.5989

Enforcement: Drew Woods 2402 Chandler Ct SW, Suite 240; Olympia, WA 98504 360.753.5989

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

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:

TTY:

Email:

Other:

No: Please explain: Proposed rule relates only to internal governmental operations that are not subject to violation by a nongovernment party

### Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

#### (1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(3). Check all that apply:

[RCW 34.05.310](#) (4)(b)  
(Internal government operations)

[RCW 34.05.310](#) (4)(e)  
(Dictated by statute)

[RCW 34.05.310](#) (4)(c)  
(Incorporation by reference)

[RCW 34.05.310](#) (4)(f)  
(Set or adjust fees)

[RCW 34.05.310](#) (4)(d)  
(Correct or clarify language)

[RCW 34.05.310](#) (4)(g)  
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025](#)(4) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under [RCW 36.78](#).

Explanation of how the above exemption(s) applies to the proposed rule:

#### (2) Scope of exemptions: Check one.

The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.

- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.


**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. \_\_\_\_\_
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:  
 Address:  
 Phone:  
 Fax:  
 TTY:  
 Email:  
 Other:

<p><b>Date:</b> September 13, 2022</p> <hr/> <p><b>Name:</b> Jane Wall</p> <hr/> <p><b>Title:</b> Executive Director</p>	<p><b>Signature:</b></p> <div style="text-align: center; margin-top: 20px;">  </div>
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