

RCW 36.79.140 Expenditures from rural arterial trust account—Approval by board. At the time the board reviews the six-year program of each county each even-numbered year, it shall consider and shall approve for inclusion in its recommended budget, as required by RCW 36.79.130, the portion of the rural arterial construction program scheduled to be performed during the biennial period beginning the following July 1st. Subject to the appropriations actually approved by the legislature, the board shall as soon as feasible approve rural arterial trust account funds to be spent during the ensuing biennium for preliminary proposals in priority sequence as established pursuant to RCW 36.79.090. Only those counties that during the preceding twelve months have spent all revenues collected for road purposes only for such purposes, including removal of barriers to fish passage and accompanying streambed and stream bank repair as specified in RCW 36.82.070, and including traffic law enforcement, as are allowed to the state by Article II, section 40 of the state Constitution or RCW 36.82.070(2) are eligible to receive funds from the rural arterial trust account, except that: (1) Counties with a population of less than eight thousand are exempt from this eligibility restriction; (2) counties expending revenues collected for road purposes only on other governmental services after authorization from the voters of that county under RCW 84.55.050 are also exempt from this eligibility restriction; and (3) this restriction shall not apply to any moneys diverted from the road district levy under chapter 39.89 RCW. The board shall authorize rural arterial trust account funds for the construction project portion of a project previously authorized for a preliminary proposal in the sequence in which the preliminary proposal has been completed and the construction project is to be placed under contract. At such time the board may reserve rural arterial trust account funds for expenditure in future years as may be necessary for completion of preliminary proposals and construction projects to be commenced in the ensuing biennium.

The board may, within the constraints of available rural arterial trust funds, consider additional projects for authorization upon a clear and conclusive showing by the submitting county that the proposed project is of an emergent nature and that its need was unable to be anticipated at the time the six-year program of the county was developed. The proposed projects shall be evaluated on the basis of the priority rating factors specified in RCW 36.79.080. [2015 c 223 s 2. Prior: 2001 c 221 s 2; 2001 c 212 s 26; 1997 c 81 s 6; 1991 c 363 s 84; 1990 c 42 s 104; 1984 c 113 s 1; 1983 1st ex.s. c 49 s 14.]

Purpose—Intent—2001 c 221: "The legislature recognizes that projects that remove impediments to fish passage can greatly increase access to spawning and rearing habitat for depressed, threatened, and endangered fish stocks. Although counties are authorized to use county road funds to replace culverts and other barriers to fish passage, and may conduct streambed and stream bank restoration and stabilization work in conjunction with removal of these fish barriers, counties are reluctant to spend county road funds beyond the county right-of-way because it is unclear whether the use of road funds for this purpose is authorized. The purpose of this act is to clarify that streambed and stream bank restoration and stabilization activities conducted in conjunction with removal of existing barriers to fish passage within county rights-of-way constitute a county road purpose even if this work extends beyond the county right-of-way. The legislature intends

this act to be permissive legislation. Nothing in this act is intended to create or impose a legal duty upon counties for salmon recovery work beyond the county right-of-way." [2001 c 221 s 1.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Purpose—Effective dates—Application—Implementation—1990 c 42: See notes following RCW 46.68.090.