

Chapter 36.78 RCW
ROADS AND BRIDGES—COUNTY ROAD ADMINISTRATION BOARD

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Board duties

generally: RCW 46.68.120.

motor vehicle fund, distribution of amount to counties—

Factors of distribution formula for RCW 46.68.120(4)

funds: RCW 46.68.122.

population, road cost, money need, computed—Allocation percentage adjustment, when: RCW 46.68.124.

Equipment rental, ability to inquire into setting rates for: RCW 36.33A.040.

RCW 36.78.010 Definitions—"Board." "Board" shall mean the county road administration board created by this chapter. [1965 ex.s. c 120 § 1.]

RCW 36.78.020 Definitions—"Standards of good practice." "Standards of good practice" shall mean general and uniform practices formulated and adopted by the board relating to the administration of county roads and the safe and efficient movement of people and goods over county roads, which shall apply to engineering, design procedures, maintenance, traffic control, safety, planning, programming, road classification, road inventories, budgeting and accounting procedures, management practices, equipment policies, personnel policies, and effective use of transportation-related information technology. [1993 c 65 § 1; 1991 c 363 § 82; 1965 ex.s. c 120 § 2.]

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

RCW 36.78.030 Board created—Number—Appointment—Terms—

Vacancies. There is created hereby a county road administration board consisting of nine members who shall be appointed by the executive committee of the Washington state association of counties. Prior to July 1, 1965 the executive committee of the Washington state association of counties shall appoint the first members of the county road administration board: Three members to serve one year; three members to serve two years; and three members to serve three years from July 1, 1965. Upon expiration of the original terms subsequent appointments shall be made by the same appointing authority for three year terms except in the case of a vacancy, in which event the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. [1971 ex.s. c 85 § 5; 1965 ex.s. c 120 § 3.]

RCW 36.78.040 Composition of board—Qualifications of members.

Six members of the county road administration board shall be county legislative authority members and three members shall be county engineers. If any member, during the term for which he or she is appointed, ceases to be either a member of a county legislative authority or a county engineer, as the case may be, his or her membership on the county road administration board is likewise terminated. Three members of the board shall be from counties with a population of one hundred fifty thousand or more. Four members shall be from counties with a population of from thirty thousand to less than one hundred fifty thousand. Two members shall be from counties with a population of less than thirty thousand. Not more than one member of the board shall be from any one county. [2019 c 22 § 1; 2005 c 233 § 1; 1991 c 363 § 83; 1965 ex.s. c 120 § 4.]

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

RCW 36.78.050 Meetings—Rules and regulations—Election of chair.

The board shall meet at least once quarterly and shall from time to time adopt rules and regulations for its own government and as may be necessary for it to discharge its duties and exercise its powers under this chapter. The board shall elect a chair from its own membership who shall hold office for one year. Election as chair does not affect the member's right to vote on all matters before the board. [1993 c 65 § 2; 1965 ex.s. c 120 § 5.]

RCW 36.78.060 Executive director.

The county road administration board shall appoint an executive director who shall be the chief administrative officer of the board and shall be responsible for carrying out the policies adopted by the board. The executive director is exempt from the provisions of state civil service law, chapter 41.06 RCW, and shall serve at the pleasure of the county road administration board. The executive director's salary shall be set by the board. [1990 c 266 § 1; 1965 ex.s. c 120 § 6.]

RCW 36.78.070 Duties of board. The county road administration board shall:

(1) Establish by rule, standards of good practice for the administration of county roads and the efficient movement of people and goods over county roads;

(2) Establish reporting requirements for counties with respect to the standards of good practice adopted by the board;

(3) Receive and review reports from counties and reports from its executive director to determine compliance with legislative directives and the standards of good practice adopted by the board;

(4) Advise counties on issues relating to county roads and the safe and efficient movement of people and goods over county roads and assist counties in developing uniform and efficient transportation-related information technology resources;

(5) Report annually before the fifteenth day of January, and throughout the year as appropriate, to the state department of transportation and to the chairs of the house and senate transportation committees, and to other entities as appropriate on the status of county road administration in each county, including one copy to the staff of each of the committees. The annual report shall contain recommendations for improving administration of the county road programs;

(6) Administer the rural arterial program established by chapter 36.79 RCW, the program funded by the county arterial preservation account established by RCW 46.68.090, and the emergency revolving loan program created in RCW 36.78.130, as well as any other programs provided for in law. [2019 c 157 § 5; 2005 c 319 § 102; 1999 c 269 § 1; 1993 c 65 § 3; 1990 c 266 § 2; 1987 c 505 § 19; 1983 1st ex.s. c 49 § 19; 1977 ex.s. c 235 § 4; 1965 ex.s. c 120 § 7.]

Finding—Intent—2019 c 157: See note following RCW 36.78.130.

Findings—Intent—Part headings—Effective dates—2005 c 319: See notes following RCW 43.17.020.

Effective date—1999 c 269: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999." [1999 c 269 § 18.]

Effective date—1983 1st ex.s. c 49: See RCW 36.79.901.

RCW 36.78.080 Members to serve without compensation—Reimbursement for travel expenses. Members of the county road administration board shall receive no compensation for their service on the board, but shall be reimbursed for travel expenses incurred while attending meetings of the board or while engaged on other business of the board when authorized by the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. [1975-'76 2nd ex.s. c 34 § 80; 1975 1st ex.s. c 1 § 1; 1969 ex.s. c 182 § 5; 1965 ex.s. c 120 § 8.]

Effective date—Severability—1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 36.78.090 Certificates of good practice—Withholding of motor vehicle tax distribution. (1) Before May 1st of each year the board shall transmit to the state treasurer certificates of good practice on behalf of the counties which during the preceding calendar year:

(a) Have submitted to the state department of transportation or to the board all reports required by law or regulation of the board; and

(b) 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 board.

(2) The board shall not transmit to the state treasurer a certificate of good practice on behalf of any county failing to meet the requirements of subsection (1) of this section, but the board shall in such case and before May 1st, notify the county and the state treasurer of its reasons for withholding the certificate.

(3) The state treasurer, upon receiving a notice that a certificate of good practice will not be issued on behalf of a county, or that a previously issued certificate of good practice has been revoked, shall, effective the first day of the month after that in which notice is received, withhold from such county its share of motor vehicle fuel taxes distributable pursuant to RCW 46.68.120 until the board thereafter issues on behalf of such county a certificate of good practice or a conditional certificate. After withholding or revoking a certificate of good practice with respect to any county, the board may thereafter at any time issue such a certificate or a conditional certificate when the board is satisfied that the county has complied or is diligently attempting to comply with the requirements of subsection (1) of this section.

(4) The board may, upon notice and a hearing, revoke a previously issued certificate of good practice or substitute a conditional certificate therefor when, after issuance of a certificate of good practice, any county fails to meet the requirements of subsection (1)

(a) and (b) of this section, but the board shall in such case notify the county and the state treasurer of its reasons for the revocation or substitution.

(5) Motor vehicle fuel taxes withheld from any county pursuant to this section shall not be distributed to any other county, but shall be retained in the motor vehicle fund to the credit of the county originally entitled thereto. Whenever the state treasurer receives from the board a certificate of good practice issued on behalf of such county he or she shall distribute to such county all of the funds theretofore retained in the motor vehicle fund to the credit of such county. [2009 c 549 § 4127; 1984 c 7 § 33; 1977 ex.s. c 257 § 1; 1965 ex.s. c 120 § 9.]

RCW 36.78.100 Conditional certificates. Whenever the board finds that a county has failed to submit the reports required by RCW 36.78.090, or has failed to comply with provisions of law relating to county road administration or has failed to meet the standards of good practice as formulated and adopted by the board, the board may in lieu of withholding or revoking a certificate of good practice issue and transmit to the state treasurer on behalf of such county a conditional certificate which will authorize the continued distribution to such county all or a designated portion of its share of motor vehicle fuel

taxes. The issuance of such a conditional certificate shall be upon terms and conditions as shall be deemed by the board to be appropriate. In the event a county on whose behalf a conditional certificate is issued fails to comply with the terms and conditions of such certificate, the board may forthwith cancel or modify such certificate notifying the state treasurer thereof. In such case the state treasurer shall thereafter withhold from such county all or the designated portion of its share of the motor vehicle fuel taxes as provided in RCW 36.78.090. [1977 ex.s. c 257 § 2; 1965 ex.s. c 120 § 10.]

RCW 36.78.110 Expenses to be paid from motor vehicle fund—Disbursement procedure. All expenses incurred by the board including salaries of employees shall be paid upon voucher forms provided by the office of financial management or pursuant to a regular payroll signed by the chair and the executive director of the board. All expenses of the board shall be paid out of that portion of the motor vehicle fund allocated to the counties and withheld for use by the department of transportation and the county road administration board under the provisions of RCW 46.68.120(1), as now or hereafter amended. [2009 c 549 § 4128; 1990 c 266 § 3; 1979 c 151 § 42; 1965 ex.s. c 120 § 11.]

RCW 36.78.121 Maintenance. The county road administration board, or its successor entity, shall establish a standard of good practice for maintenance of transportation system assets. This standard must be implemented by all counties no later than December 31, 2007. The board shall develop a model maintenance management system for use by counties. The board shall develop rules to assist the counties in the implementation of this system. Counties shall annually submit their maintenance plans to the board. The board shall compile the county data regarding maintenance management and annually submit it to the office of financial management. [2006 c 334 § 10; 2003 c 363 § 307.]

Effective date—2006 c 334: See note following RCW 47.01.051.

Finding—Intent—2003 c 363: See note following RCW 35.84.060.

Part headings not law—Severability—2003 c 363: See notes following RCW 47.28.241.

RCW 36.78.130 Emergency revolving loan program—Authority—Procedure—Report to the legislature. (1) The board may create an emergency revolving loan program that is self-supporting in accordance with RCW 43.88.190. The board may award emergency loans to counties with a population of less than eight hundred thousand as of April 1, 2019, from the funds available in the county road administration board emergency loan account created in RCW 36.78.135 for emergency projects.

(2) Emergency projects are work of either a temporary or permanent nature which restores roads and bridges to a preemergency 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 county 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 use. 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.

(3) In order to obtain a loan under this section, there must be a county, state, or federal emergency proclamation declaring an emergency related to the event that caused the damage the emergency project intends to correct, and the county must agree to repay the loan with interest of not more than three percent. All repayment amounts must be deposited into the county road administration board emergency loan account.

(4) Any work performed on an emergency project funded in accordance with this section by county forces shall be exempt from the limits of RCW 36.77.065.

(5) Consistent with RCW 43.01.036, the board must submit a report to the legislature by December 1st of each even-numbered year identifying each project that received money from the county road administration board emergency loan account, the amount of the loan, the expected repayment terms of the loan, the expected date of repayment, and the loan repayment status. Each project should be reported about until the loan is repaid. [2019 c 157 § 2.]

Finding—Intent—2019 c 157: "The legislature finds there is a need for a county road emergency fund to pay for unexpected costs that arise from natural or man-made events that damage county road infrastructure so it is no longer functional. The legislature intends to provide access to a revolving loan emergency account to ensure that smaller counties have options to pay for repairs to restore transportation services in a timely manner." [2019 c 157 § 1.]

RCW 36.78.135 County road administration board emergency loan account. (1) The county road administration board emergency loan account is created in the custody of the state treasurer. The account consists of: (a) All receipts from loan repayments and (b) any other revenues derived from transfers, gifts, grants, or bequests to the board for emergency projects. Expenditures from the account may be used only for emergency loans to certain counties in accordance with RCW 36.78.130 and the related administrative costs. Only the board or its designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) The state treasurer may invest and reinvest moneys in the county road administration board emergency loan account in the manner provided by law. All earnings from such investment and reinvestment must be credited to the account. [2019 c 157 § 3.]

Finding—Intent—2019 c 157: See note following RCW 36.78.130.