

Chapter 136-12 WAC
STANDARDS OF GOOD PRACTICE—VACANCY OR CHANGE IN POSITION OF COUNTY
ENGINEER

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

136-12-040	Duties of acting county engineer. [Regulation 1, § 136-12-040, filed 12/13/67.] Repealed by Order 1, filed 7/17/68.
136-12-050	Construction during vacancy. [Regulation 1, § 136-12-050, filed 12/13/67.] Repealed by Order 1, filed 7/17/68.

WAC 136-12-010 Purpose and authority. The laws of the state of Washington make detailed provisions in chapter 36.80 RCW, for the employment of a county engineer in each county. This chapter specifies that the county legislative authority of each county shall employ a county road engineer on either a full-time or part-time basis, or by contracting with another county for the engineering services of a county road engineer; that they shall be a registered and licensed professional civil engineer under the laws of this state; that they shall have supervision, under the direction of the county legislative authority, of all activities related to the county roads of the county, including maintenance; that they shall certify to the county legislative authority all bills with respect to county roads; that they shall keep complete public records of all road department activities; that they shall prepare plans and specifications for all construction work on the county road system; give an official bond to the county conditioned upon faithfully performing all the duties and accounting for county property entrusted to them.

[Statutory Authority: Chapter 36.78 RCW. WSR 22-03-084, § 136-12-010, filed 1/18/22, effective 2/18/22; WSR 17-11-037, § 136-12-010, filed 5/11/17, effective 6/11/17. Statutory Authority: Chapter 36.79 RCW. WSR 02-18-018, § 136-12-010, filed 8/22/02, effective 9/22/02; WSR 99-01-021, § 136-12-010, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. WSR 96-17-013, § 136-12-010, filed 8/12/96, effective 9/12/96. Statutory Authority: RCW 36.78.080. WSR 90-07-074 (Order 74), § 136-12-010, filed 3/21/90, effective 4/21/90; Order 13, § 136-12-010, filed 12/26/69; Regulation 1, § 136-12-010, filed 12/13/67.]

WAC 136-12-020 Procedure during vacancy or change. When a vacancy or change occurs in the office of county engineer for any reason, the county legislative authority shall take immediate steps to find a replacement. The county legislative authority or county executive shall, by electronic email or official letter, within five business days, notify the county road administration board of the vacancy or change, the effective date of the vacancy or change and of the procedure to be followed during the period of vacancy. The notice to the

county road administration board shall state that the legislative authority or county executive has reviewed the requirements within chapter 136-12 WAC.

[Statutory Authority: Chapter 36.78 RCW. WSR 19-04-048, § 136-12-020, filed 1/29/19, effective 3/1/19; WSR 17-11-037, § 136-12-020, filed 5/11/17, effective 6/11/17; WSR 14-17-035, § 136-12-020, filed 8/13/14, effective 9/13/14. Statutory Authority: Chapter 36.79 RCW. WSR 02-18-018, § 136-12-020, filed 8/22/02, effective 9/22/02; WSR 99-01-021, § 136-12-020, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.080. WSR 90-07-074 (Order 74), § 136-12-020, filed 3/21/90, effective 4/21/90; Regulation 1, § 136-12-020, filed 12/13/67.]

WAC 136-12-030 Acting county engineer. If for any reason it is impossible to employ a new county engineer immediately, the county legislative authority shall designate, by resolution, an acting county engineer for an interim period not to exceed six months except as provided in WAC 136-12-060. A copy of such resolution shall be forwarded to the county road administration board within five business days of the effective date of the vacancy.

If the acting county engineer is not a licensed professional civil engineer, the legislative authority shall designate a licensed professional civil engineer to perform all professional civil engineering functions during the interim period as required by chapter 18.43 RCW, and the unlicensed acting county engineer shall perform only those functions of the office not requiring a professional civil engineer's license.

Per RCW 18.43.120, it is unlawful for a person to practice engineering without a license, unless directly overseen by a licensed individual. For the purposes of this chapter, the practice of engineering involves anything requiring engineering opinion, judgment, consultation, analysis, calculation, or design, but would exclude certain routine maintenance and operations decision making and calculations by qualified personnel.

[Statutory Authority: Chapter 36.78 RCW. WSR 22-03-084, § 136-12-030, filed 1/18/22, effective 2/18/22; WSR 19-04-048, § 136-12-030, filed 1/29/19, effective 3/1/19. Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-12-030, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.080. WSR 90-07-074 (Order 74), § 136-12-030, filed 3/21/90, effective 4/21/90; Order 25, § 136-12-030, filed 1/27/75; Order 1, § 136-12-030, filed 7/17/68; Regulation 1, § 136-12-030, filed 12/13/67.]

WAC 136-12-045 Notification of hiring. When final arrangements for the employment of a new county engineer have been made, the county legislative authority or the county executive shall, within five business days, notify the county road administration board in writing and shall include the following information: Name of new county engineer, Washington professional civil engineer registration number, start date, and contact information, including an email address when available. In addition, the notification shall include a copy of the organization chart detailing the responsibilities of the county engineer if there is an adopted change, WAC 136-50-050(1), and a copy of the ap-

pointment resolution, letter of appointment, or copy of the meeting minutes of the legislative authority recording the appointment.

[Statutory Authority: RCW 36.78.070. WSR 23-23-013, § 136-12-045, filed 11/2/23, effective 12/3/23. Statutory Authority: Chapter 36.78 RCW. WSR 19-04-048, § 136-12-045, filed 1/29/19, effective 3/1/19; WSR 17-11-037, § 136-12-045, filed 5/11/17, effective 6/11/17. Statutory Authority: Chapter 36.79 RCW. WSR 02-18-018, § 136-12-045, filed 8/22/02, effective 9/22/02.]

WAC 136-12-060 Failure to comply. In the case of vacancy or change, if a county fails to comply with any portion of chapter 136-12 WAC, the matter will be considered at the next regular meeting of the county road administration board. The county road administration board may take any action regarding county forces construction, the county's motor vehicle fuel tax distribution, county arterial preservation program eligibility or rural arterial program eligibility it deems appropriate: Provided however, that it may continue to grant reasonable extensions in the event the affected county can give adequate proof or demonstrate at the next regularly scheduled board meeting that a diligent effort has been made to secure the services of a qualified professional civil engineer.

[Statutory Authority: Chapter 36.78 RCW. WSR 19-04-048, § 136-12-060, filed 1/29/19, effective 3/1/19; WSR 17-11-037, § 136-12-060, filed 5/11/17, effective 6/11/17; WSR 09-23-044, § 136-12-060, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. WSR 02-18-018, § 136-12-060, filed 8/22/02, effective 9/22/02; WSR 99-01-021, § 136-12-060, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.080. WSR 90-07-074 (Order 74), § 136-12-060, filed 3/21/90, effective 4/21/90; Regulation 1, § 136-12-060, filed 12/13/67.]

WAC 136-12-070 County engineer in counties that choose to employ a part-time county engineer or a contract county engineer. When the county legislative authority chooses to employ a county engineer on a part-time basis the terms of such employment shall be set forth in a contract adopted by resolution of the legislative authority. Such contract shall specify, but need not be limited to: Statement of legal responsibility, salary or wage arrangements, meetings with the legislative authority, travel expenses and relationship with regular employees. A copy of such resolution and contract shall be forwarded to the office of the county road administration board within five business days of adoption.

When the legislative authority chooses to contract with another county for services such contract shall be approved by resolution of both legislative authorities. Such contract shall specify, but need not be limited to: Statement of legal responsibility, salary or wage arrangements, meetings with the legislative authority, travel expenses and relationship with regular employees. A copy of the contract and both resolutions shall be forwarded to the office of the county road administration board within five business days of adoption by both counties. Any such contract shall be in accordance with the procedures of the Interlocal Cooperation Act, chapter 39.34 RCW.

[Statutory Authority: Chapter 36.78 RCW. WSR 19-04-048, § 136-12-070, filed 1/29/19, effective 3/1/19. Statutory Authority: Chapter 36.79 RCW. WSR 02-18-018, § 136-12-070, filed 8/22/02, effective 9/22/02; WSR 99-01-021, § 136-12-070, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. WSR 96-17-013, § 136-12-070, filed 8/12/96, effective 9/12/96. Statutory Authority: RCW 36.78.080. WSR 90-07-074 (Order 74), § 136-12-070, filed 3/21/90, effective 4/21/90; Order 13, § 136-12-070, filed 12/26/69.]

WAC 136-12-080 Supervision of nonengineering county engineer duties in counties with a part-time county engineer or a contract county engineer. When a legislative authority of a county chooses to employ a county engineer on a part-time basis or contract with another county for the services of its county engineer, it shall designate by resolution a full-time employee to perform the day-to-day supervision of the county engineer duties not requiring a professional civil engineering license in accordance with policies established by the legislative authority.

Per RCW 18.43.120, it is unlawful for a person to practice engineering without a license, unless directly overseen by a licensed individual. For the purposes of this chapter, the practice of engineering involves anything requiring engineering opinion, judgment, consultation, analysis, calculation, or design, but would exclude certain routine maintenance and operations decision making and calculations by qualified personnel.

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