Chapter 136-740 WAC
LOCAL ROADS PROGRAM—PROJECT INCREASES AND ADVANCEMENT OF FUNDS

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WAC

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WAC 136-740-010 Purpose and authority. Chapter 36.170 RCW provides that the county road administration board shall administer the county local road program (LRP). This chapter describes the manner in which counties may request an increase in the amount of LRP funds allocated to a project and request an advancement of funds for an approved project.

[Statutory Authority: RCW 36.78.070 and 36.170.010. WSR 26-08-028, s 136-740-010, filed 3/23/26, effective 4/23/26.]

WAC 136-740-020 Requirements for consideration of LRP fund increases. (1) When a county submits its prospectus as described in WAC 136-720-030, the county road administration board presumes that the amount of LRP funds requested, plus any non-LRP funds that may be designated for the project, are sufficient to fully, and in a timely manner, complete the project as described.

(2) All cost increases during the course of construction shall be the responsibility of the county. In extraordinary circumstances, a county may request an increase in the amount of LRP funds allocated to a project. A county may request an increase in a project's LRP allocation once during the course of a project's development, and such request may occur only after completion of preliminary engineering, but prior to commencing construction. A project shall be considered to have commenced construction if:

(a) The construction contract for the work has been awarded; or

(b) If done by county forces, the work has commenced, except for construction engineering.

Requests for increases in excess of 25 percent of the original LRP allocation will not be considered or granted; the county must secure other funds, withdraw, or request the termination of the project, or request a change in scope and/or project limits. If current funding sources are not sufficient to cover the costs beyond a 25 percent increase, the county may resubmit the same project for funding in the next funding period. Upon funding of the new project by the county road administration board, the previous contract shall become void. All LRP funds expended on the previous contract shall be repaid to the county road administration board unless waived by the county road administration board in keeping with provisions of WAC 136-750-060.

(3) A request by a county for an increase in LRP funds allocated to a project shall demonstrate that:

(a) The county at the time of preparing its project prospectus considered the factors listed in subsection (4) of this section;

(b) The request for an increased allocation is based on extraordinary and unforeseeable circumstances of the type listed in subsection (5) of this section;

(c) It is not feasible to reduce the scope and/or project limits so the project can be substantially constructed within the initial LRP allocation;

(d) The request is not to pay for an expansion of the originally approved project;

(e) If the work is to be done by contract, the county has supplied to CRAB, an updated engineer's cost estimate prior to, and within three months of, advertisement of the project for construction bids; and

(f) If the work is to be done by county forces, the county has supplied to CRAB, an updated engineer's cost estimate prior to, and within three months of, commencement of the work.

(4) At the time of preparation and submittal of the project prospectus, a county is expected to consider all information which may affect the cost of the project. In cases where the information is incomplete or poorly defined, the county is to exercise good professional judgment and/or seek outside professional assistance and advice in order to prepare a reasonable LRP fund request. The information which a county is expected to consider includes, but is not limited to, the following:

(a) The availability at the needed time of matching funds and other supplementary funds;

(b) All technical data reasonably available such as topographic maps, reconnaissance reports, surface and subsurface geotechnical data, hydraulic and hydrological data, sources of materials, applicable design standards, and any earlier preliminary engineering;

(c) Required permits, including preproject scoping consultations with the permitting agencies and an estimate of the costs of complying with permit requirements;

(d) Required right-of-way or other easements, and the time and cost of acquisition;

(e) Availability of qualified contractors to perform the work;

(f) Ownership, type, amount, and time requirements of any required utility relocation;

(g) Historical and projected labor, equipment, and material costs; and

(h) The project development timetable leading to completed construction and the interrelation of this project to all other work activities under the control of the county engineer.

(5) The county road administration board will increase LRP funds allocated to a project only if it finds that the request for an increased allocation is based on extraordinary and unforeseeable circumstances including, but not limited to, the following:

(a) The county relied on existing technical data which were later found to be in error, and which will necessitate a significant design change prior to proceeding with construction;

(b) Project permit requirements were substantially changed, or new permits were required;

(c) Supplementary funds, such as impact fees, developer contributions, grants, etc., which were forecasted to be available for the project, were withdrawn or otherwise became unavailable;

(d) Design or other standards applicable to the project were changed;

(e) The start of construction will be significantly delayed or additional construction requirements will be added as a direct result of legal action; provided, however, that the failure of a county to

exercise its statutory powers, such as condemnation, will not be grounds for increasing LRP funds; and/or

(f) The lowest responsive bid for construction exceeds the amount of available funding for construction; provided that said bid is determined by the county engineer to be reasonable and the increased cost of the bid can be justified.

[Statutory Authority: RCW 36.78.070 and 36.170.010. WSR 26-08-028, s 136-740-020, filed 3/23/26, effective 4/23/26.]

WAC 136-740-030 LRP project increases evaluation, consideration, and action. (1) In deciding whether to grant a request for an LRP allocation increase submitted under the provisions of WAC 136-740-020, the county road administration board will consider the following factors:

(a) Whether the county, at the time of preparing its project prospectus, considered the factors listed in WAC 136-740-020(4);

(b) Whether the county's request for an increased allocation is based on extraordinary and unforeseeable circumstances of the type listed in WAC 136-740-020(5);

(c) Whether it is feasible to reduce the scope and/or project limits so the project can be substantially constructed within the initial LRP allocation;

(d) Whether the request is to pay for an expansion of the project; and

(e) Whether the increased allocation will have an adverse effect on other approved or requested LRP funded projects.

(2) The executive director shall approve or deny a county's request for additional funds.

(a) If the request is approved, in whole or in part, the executive director is authorized to execute an amendment to the CRAB/county contract. Upon execution of a contract amendment under this chapter, the executive director will advise board members of the amendment details at the next CRAB board meeting.

(b) If the request is denied, in whole or in part, the county may appeal the executive director's decision at the board's next regularly scheduled board meeting.

[Statutory Authority: RCW 36.78.070 and 36.170.010. WSR 26-08-028, s 136-740-030, filed 3/23/26, effective 4/23/26.]

WAC 136-740-040 Amendment of CRAB/county contract. All changes in approved LRP allocations and other county road administration board actions taken under the provisions of this chapter shall be reflected by amending the CRAB/county contract. Failure of a county to sign and return an amended CRAB/county contract within 45 calendar days of its transmittal by the county road administration board shall nullify all allocation increases and other county road administration board actions.

[Statutory Authority: RCW 36.78.070 and 36.170.010. WSR 26-08-028, s 136-740-040, filed 3/23/26, effective 4/23/26.]

WAC 136-740-050 LRP program advancing funds. (1) Counties may request advancing LRP funds. Such a request by a county shall demonstrate the ability to proceed with the project ahead of the regular funding schedule.

(2) In considering a request to advance LRP funding, the county road administration board will review the county's justification, the current LRP appropriation, and expected reimbursements.

(3) The executive director shall approve or deny a county's request for advancing LRP funds.

(a) If the request is approved, in whole or in part, the executive director is authorized to execute an amendment to the CRAB/county contract. Upon execution of a contract amendment under this chapter, the executive director will advise board members of the amendment details at the next CRAB board meeting.

(b) If the request is denied, in whole or in part, the county may appeal the executive director's decision at the board's next regularly scheduled board meeting.

[Statutory Authority: RCW 36.78.070 and 36.170.010. WSR 26-08-028, s 136-740-050, filed 3/23/26, effective 4/23/26.]