

# Chapter 136-18 WAC

## STANDARDS OF GOOD PRACTICE—CONSTRUCTION BY COUNTY FORCES

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

136-18-040	Location of projects. [Order 27, § 136-18-040, filed 1/27/76.] Repealed by WSR 79-01-098 (Order 35), filed 1/3/79. Statutory Authority: Chapter 36.78 RCW.
136-18-050	Construction limitations. [Statutory Authority: Chapter 36.78 RCW. WSR 79-01-098 (Order 35), § 136-18-050, filed 1/3/79; Order 27, § 136-18-050, filed 1/27/76.] Repealed by WSR 80-16-019 (Order 39), filed 10/29/80. Statutory Authority: Chapter 36.78 RCW.

**WAC 136-18-010 Purpose and authority.** Chapter 36.77 RCW provides for the construction and improvement of county roads by contract, by construction by county forces or by a combination of construction by county forces and contract. The purpose of this standard of good practice is to assure that all construction by county forces construction work is accomplished within statutory limitations.

[Statutory Authority: Chapter 36.78 RCW. WSR 09-23-044, § 136-18-010, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-18-010, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. WSR 96-17-013, § 136-18-010, filed 8/12/96, effective 9/12/96. Statutory Authority: Chapter 36.78 RCW. WSR 80-16-019 (Order 39), § 136-18-010, filed 10/29/80; Order 27, § 136-18-010, filed 1/27/76.]

**WAC 136-18-020 Definitions.** For purposes of implementing statutory requirements relative to construction by county forces, the following definitions shall apply:

(1) Construction - The building of a new road facility or improvement of an existing facility to a higher geometric or structural standard.

(2) Construction by county forces - Construction work performed by personnel carried on the county payroll using county owned, leased or rented equipment.

(3) Authorization date - The date that construction is authorized.

(4) Start of construction - The date that construction work commences.

(5) End of construction - The date that construction work is completed.

(11/9/09)

(6) Completion date - The date on which a county road project is closed in the accounting records.

(7) Estimated construction costs - The county engineer's estimate of the cost of contemplated construction work, not including preliminary engineering and right of way acquisition costs.

(8) Estimated project costs - The county engineer's estimate of the cost of engineering, right of way acquisition, and construction.

(9) True and complete construction costs - The accounting record of all construction costs attributed to a county road project from the authorization date to the completion date.

(10) True and complete project costs - The accounting record of all engineering, right of way acquisition, and construction costs attributed to a county road project from the authorization date to the completion date.

(11) Construction by county forces road project - Construction by county forces authorized by action of the county legislative authority in those counties where a cumulative dollar limit applies to all construction by county forces.

[Statutory Authority: Chapter 36.78 RCW. WSR 09-23-044, § 136-18-020, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW and SSB 5733. WSR 01-24-074, § 136-18-020, filed 12/3/01, effective 1/3/02. Statutory Authority: RCW 36.78.070 and 36.79.060. WSR 96-17-013, § 136-18-020, filed 8/12/96, effective 9/12/96. Statutory Authority: Chapter 36.78 RCW. WSR 80-16-019 (Order 39), § 136-18-020, filed 10/29/80; WSR 79-01-098 (Order 35), § 136-18-020, filed 1/3/79; Order 27, § 136-18-020, filed 1/27/76.]

**WAC 136-18-030 Authorization of construction by county forces projects.** Every proposed construction by county forces road project shall be a part of the county's annual construction program as defined in RCW 36.81.130 and WAC 136-16-020. Additions to the program, and/or substitutions in the program, may be made by unanimous action of the county legislative authority at any time as provided in RCW 36.81.130. No construction work shall be done on any project until it has been authorized by resolution of said authority. The resolution shall include:

(1) A brief description of the project;

(2) A vicinity map showing the location of the project and its limits, provided that in lieu of individual vicinity maps, a single vicinity map showing the location of all projects may be included with the resolution adopting the annual program;

(3) Identification of the project in terms of the officially adopted annual program;

(4) The county engineer's estimate of construction costs prepared pursuant to the completion of such preliminary engineering; and

(5) Construction plans as shall be necessary and sufficient.

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[Statutory Authority: Chapter 36.78 RCW. WSR 09-23-044, § 136-18-030, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-18-030, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. WSR 96-17-013, § 136-18-030, filed 8/12/96, effective 9/12/96. Statutory Authority: Chapter 36.78 RCW. WSR 80-16-019 (Order 39), § 136-18-030, filed 10/29/80; WSR 79-01-098 (Order 35), § 136-18-030, filed 1/3/79; Order 27, § 136-18-030, filed 1/27/76.]

**WAC 136-18-035 Special construction by county forces limit for electrical and traffic control projects.** Projects that consist of electrical and traffic control work are subject to the specific construction by county forces limits as set forth in RCW 36.77.065.

[Statutory Authority: Chapter 36.78 RCW. WSR 09-23-044, § 136-18-035, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-18-035, filed 12/7/98, effective 1/7/99.]

**WAC 136-18-060 Construction by county forces project records.** All construction by county forces project cost records shall be kept in the manner prescribed by the BARS manual. Records of quantities shall be kept in a manner consistent with original project estimates. The project records shall contain, but shall not be limited to, the following:

- (1) Dated authorizing resolution;
- (2) Vicinity map showing project location and limits;
- (3) County engineer's estimate;
- (4) Affidavit of preconstruction publication required by RCW 36.77.070;
- (5) Documentation of start and end of construction dates;
- (6) Affidavit of post-construction publication showing true and complete project cost as required by RCW 36.77.-070.

[Statutory Authority: Chapter 36.78 RCW. WSR 09-23-044, § 136-18-060, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-18-060, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. WSR 96-17-013, § 136-18-060, filed 8/12/96, effective 9/12/96. Statutory Authority: Chapter 36.78 RCW. WSR 79-01-098 (Order 35), § 136-18-060, filed 1/3/79; Order 27, § 136-18-060, filed 1/27/76.]

**WAC 136-18-064 Preconstruction publication requirements.** The preconstruction publication required by RCW 36.77.070 may be made at any time subsequent to the adoption of the annual road construction program by the county legislative authority, but no later than the commencement of construction by county forces on the project or projects. The publication shall include a brief description of each project and the county engineer's estimate of each project cost showing right of way acquisition, preliminary engineering, contract work (if any) and work by construction by county forces.

[Statutory Authority: Chapter 36.78 RCW. WSR 09-23-044, § 136-18-064, filed 11/9/09, effective 12/10/09; WSR 85-11-054 (Order 59), § 136-18-064, filed 5/17/85.]

**WAC 136-18-070 Special reporting construction by county forces project to the county road administration board.** Each county engineer shall submit to the county road administration board a copy of each resolution authorizing a special reporting construction by county forces road project whose estimated construction cost exceeds seventy-five per-

cent of the construction by county forces limit. Upon completion of each of these projects, or no later than March 1st of the succeeding year, the county engineer shall furnish to the county road administration board a copy of the record of true and complete construction costs. On any project where true and complete construction costs have exceeded the statutory construction by county forces limit, the county engineer shall also provide to the county road administration board an explanation of the circumstances resulting in such over-expenditure.

[Statutory Authority: Chapter 36.78 RCW. WSR 09-23-044, § 136-18-070, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-18-070, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. WSR 96-17-013, § 136-18-070, filed 8/12/96, effective 9/12/96. Statutory Authority: Chapter 36.78 RCW. WSR 80-16-019 (Order 39), § 136-18-070, filed 10/29/80; WSR 79-01-098 (Order 35), § 136-18-070, filed 1/3/79; Order 27, § 136-18-070, filed 1/27/76.]

**WAC 136-18-080 Review of construction by county forces compliance by the county road administration board.** The executive director of the county road administration board shall have authority to investigate cases of apparent violations of construction by county forces limits and prepare a listing of all such projects for which actual expenditures have exceeded the statutory construction by county forces limit during the previous calendar year for review by the county road administration board at its second regular meeting of each calendar year.

[Statutory Authority: Chapter 36.78 RCW. WSR 09-23-044, § 136-18-080, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-18-080, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. WSR 96-17-013, § 136-18-080, filed 8/12/96, effective 9/12/96. Statutory Authority: Chapter 36.78 RCW. WSR 80-16-019 (Order 39), § 136-18-080, filed 10/29/80; Order 27, § 136-18-080, filed 1/27/76.]

**WAC 136-18-085 Determination of construction by county forces compliance by the county road administration board.** At its second regular meeting of each calendar year, the county road administration board shall determine if any county has unreasonably exceeded its statutory construction by county forces limit for the preceding calendar year, as indicated in RCW 36.77.065. In determining what is unreasonable, the county road administration board shall consider the following:

(1) Did the county provide prior notification of the possible construction by county forces limit violation in writing to the county road administration board?

(2) What is the amount of the excess construction by county forces expenditure compared to the total annual county road construction expenditure for the same time period?

(3) Are there extenuating circumstances beyond the control of the county that resulted in exceeding the statutory construction by county forces limit?

(4) What is the past record of the county regarding construction by county forces compliance?

[Statutory Authority: Chapter 36.78 RCW. WSR 09-23-044, § 136-18-085, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. WSR 02-18-019, § 136-18-085, filed 8/22/02, effective 9/22/02.]

**WAC 136-18-090 Action on construction by county forces compliance by the county road administration board.** Determination by the county road administration board that a violation of RCW 36.77.065 has occurred shall be cause for issuance of a conditional certificate of good practice by the board as specified in WAC 136-04-060 on behalf of the county in which the violation occurred. The first condition of such a conditional certificate of good practice shall be that the county be required, at the next regular or special meeting of the county road administration board, to show cause why a certificate of good practice should not be denied to that county.

[Statutory Authority: Chapter 36.78 RCW. WSR 09-23-044, § 136-18-090, filed 11/9/09, effective 12/10/09. Statutory Authority: Chapter 36.79 RCW. WSR 99-01-021, § 136-18-090, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. WSR 96-17-013, § 136-18-090, filed 8/12/96, effective 9/12/96; Order 27, § 136-18-090, filed 1/27/76.]