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SENATE BILL 5588

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State of Washington

59th Legislature

2005 Regular Session

By Senators Haugen, Swecker and Kastama; by request of County Road Administration Board

Read first time 01/28/2005. Referred to Committee on Transportation.

1 AN ACT Relating to county road construction projects reporting  
2 requirements; and amending RCW 36.77.065 and 36.81.130.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 36.77.065 and 2001 c 108 s 1 are each amended to read  
5 as follows:

6 The board may cause any county road to be constructed or improved  
7 by day labor as provided in this section.

8 (1) As used in this section, "county road construction budget"  
9 means the aggregate total of those costs as defined by the budgeting,  
10 accounting, and reporting system for counties and cities and other  
11 local governments authorized under RCW 43.09.200 and 43.09.230 as  
12 prescribed in the state auditor's budget, accounting, and reporting  
13 manual's (BARS) road and street construction accounts (~~541.00 through~~  
14 ~~541.90 in effect April 1, 1975~~): PROVIDED, That such costs shall not  
15 include those costs assigned to the (~~preliminary engineering account~~  
16 ~~541.11,~~) right of way account(~~s 541.20 through 541.25~~), ancillary  
17 operations account (~~541.80~~), and (~~ferries account 541.81~~) that  
18 portion of the engineering account that is preliminary engineering in  
19 the budget, accounting, and reporting manual.

1           (2) For counties with a population that equals or exceeds fifty  
2 thousand people, the total amount of day labor construction programs  
3 one county may perform annually shall total no more than the amounts  
4 determined in the following manner:

5           (a) Any county with a total annual county road construction budget  
6 of four million dollars or more may accumulate a day labor road  
7 construction budget equal to no more than eight hundred thousand  
8 dollars or fifteen percent of the county's total annual county road  
9 construction budget, whichever is greater.

10           (b) Any county with a total annual county road construction budget  
11 of one million five hundred thousand dollars or more and less than four  
12 million dollars may accumulate a day labor road construction budget  
13 equal to not more than five hundred twenty-five thousand dollars or  
14 twenty percent of the county's total annual county road construction  
15 budget, whichever is greater.

16           (c) Any county with a total annual county road construction budget  
17 of five hundred thousand dollars or more and less than one million five  
18 hundred thousand dollars may accumulate a day labor road construction  
19 budget equal to two hundred fifty thousand dollars or thirty-five  
20 percent of the county's total annual county road construction budget,  
21 whichever is greater.

22           (d) Any county with a total annual county road construction budget  
23 less than five hundred thousand dollars may accumulate a day labor road  
24 construction budget equal to two hundred fifty thousand dollars:  
25 PROVIDED, That any county with a total annual road construction budget  
26 of less than five hundred thousand dollars may, by resolution of the  
27 board at the time the county road construction budget is adopted, elect  
28 to construct or improve county roads by day labor in an amount not to  
29 exceed thirty-five thousand dollars on any one project, including  
30 labor, equipment, and materials; such election to be in lieu of the two  
31 hundred fifty thousand dollar limit provided for in this section,  
32 except that any project means a complete project and the division of  
33 any project into units of work or classes of work so as to permit  
34 construction by day labor is not authorized.

35           (3) For counties with a population of less than fifty thousand  
36 people, the total amount of day labor construction programs one county  
37 may perform annually may total no more than the amounts determined in  
38 the following manner:

1 (a) A county with a total annual county road construction budget of  
2 four million dollars or more may accumulate a day labor road  
3 construction budget equal to not more than eight hundred eighty  
4 thousand dollars or twenty-five percent of the county's total annual  
5 county road construction budget, whichever is greater;

6 (b) A county with a total annual county road construction budget of  
7 one million five hundred thousand dollars or more and less than four  
8 million dollars may accumulate a day labor road construction budget  
9 equal to not more than five hundred seventy-seven thousand dollars or  
10 thirty percent of the county's total annual county road construction  
11 budget, whichever is greater;

12 (c) A county with a total annual county road construction budget of  
13 five hundred thousand dollars or more and less than one million five  
14 hundred thousand dollars may accumulate a day labor road construction  
15 budget equal to two hundred seventy-five thousand dollars or forty-five  
16 percent of the county's total annual county road construction budget,  
17 whichever is greater;

18 (d) A county with a total annual county road construction budget  
19 less than five hundred thousand dollars may accumulate a day labor road  
20 construction budget equal to two hundred seventy-five thousand dollars.  
21 However, such a county may, by resolution of the board at the time the  
22 county road construction budget is adopted, elect instead to construct  
23 or improve county roads by day labor in an amount not to exceed thirty-  
24 eight thousand five hundred dollars on any one project, including  
25 labor, equipment, and materials. That election is in lieu of the two  
26 hundred seventy-five thousand dollar limit provided for in this  
27 section. As used in this section, "any project" means a complete  
28 project, and a county may not divide a project into units of work or  
29 classes of work so as to permit construction by day labor.

30 (4) Any county that adopts a county road construction budget  
31 unreasonably exceeding that county's actual road construction  
32 expenditures for the same budget year which has the effect of  
33 permitting the county to exceed the day labor amounts established in  
34 this section is in violation of the county road administration board's  
35 standards of good practice under RCW 36.78.020 and is in violation of  
36 this section. Any county, whose expenditure for day labor for road  
37 construction projects unreasonably exceeds the limits specified in this

1 section, is in violation of the county road administration board's  
2 standards of good practice under RCW 36.78.020 and is in violation of  
3 this section.

4 (5) Notwithstanding any other provision in this section, whenever  
5 the construction work or improvement is the installation of electrical  
6 traffic control devices, highway illumination equipment, electrical  
7 equipment, wires, or equipment to convey electrical current, in an  
8 amount exceeding ten thousand dollars for any one project including  
9 labor, equipment, and materials, such work shall be performed by  
10 contract as in this chapter provided. This section means a complete  
11 project and does not permit the construction of any project by day  
12 labor by division of the project into units of work or classes of work.

13 **Sec. 2.** RCW 36.81.130 and 1991 c 363 s 86 are each amended to read  
14 as follows:

15 The laying out, construction, and maintenance of all county roads  
16 shall hereafter be in accordance with the following procedure:

17 On or before the first Monday in October of each year each county  
18 road engineer shall file with the county legislative authority a  
19 recommended plan for the laying out, construction, (~~((maintenance,))~~) and  
20 (~~((special))~~) maintenance of county roads for the ensuing fiscal year.  
21 Such recommended plan need not be limited to but shall include the  
22 following items: Recommended projects, including capital expenditures  
23 for ferries, docks, and related facilities, and their priority; the  
24 estimated cost of all work, including labor and materials for each  
25 project recommended; a statement as to whether such work is to be done  
26 by the county forces or by publicly advertised contract; a list of all  
27 recommended (~~((repairs to and))~~) purchases of road equipment, together  
28 with the estimated costs thereof. Amounts to be expended for  
29 maintenance (~~((and special maintenance))~~) shall be recommended, but  
30 details of these proposed expenditures shall not be made. The  
31 recommended plan shall conform as nearly as practicable to the county's  
32 long range road program.

33 After filing of the road engineer's recommended plan, the county  
34 legislative authority shall consider the same. Revisions and changes  
35 may be made until a plan which is agreeable to a majority of the  
36 members of the county legislative authority has been adopted:  
37 PROVIDED, That such revisions shall conform as nearly as practicable to

1 the county's long range road program. Any appropriations contained in  
2 the county road budget shall be void unless the county's road plan was  
3 adopted prior to such appropriation.

4 The final road plan for the fiscal year shall not thereafter be  
5 changed except by unanimous vote of the county legislative authority.

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