H-0935.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SUBSTITUTE HOUSE BILL 1098**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 69th Legislature 2025 Regular Session**

**By** House Transportation (originally sponsored by Representatives Low, Barkis, Paul, Nance, and Timmons)

AN ACT Relating to improving county local roads by creating a new county local road program; adding a new chapter to Title 36 RCW; providing an effective date; and declaring an emergency.

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

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the county road administration board created in RCW 36.78.030.

(2) "Community facility" means a publicly owned facility or building that is primarily intended to serve the recreational, educational, cultural, public health and safety, administrative, or entertainment needs of the community as a whole.

(3) "County local road program project" means improvement projects on those county roads not federally classified as an arterial or collector.

(4) "LAG manual" means the Washington state department of transportation's local agency guidelines manual or its successor document.

(5) "Overburdened community" is as defined in RCW 70A.02.010.

(6) "Pedestrian facility" is a facility designed to meet the needs of pedestrians in accordance with county and Americans with disabilities act requirements.

NEW SECTION. **Sec.**  There is created in the motor vehicle fund the county local road trust account. All moneys deposited in the motor vehicle fund to be credited to the county local road trust account must be expended for (1) the preservation and improvement of county local roads and (2) those expenses of the board associated with the administration of the county local road program. The account is subject to allotment procedures under chapter 43.88 RCW, and an appropriation is required for expenditures.

NEW SECTION. **Sec.**  The board shall:

(1) Adopt rules necessary to implement the provisions of this chapter relating to the allocation of funds in the county local road trust account to counties; and

(2) Include a program status report in the board's annual report to the legislature as provided in RCW 36.78.070.

NEW SECTION. **Sec.**  (1) The board shall adopt rules to select projects taking into consideration, at a minimum, the following criteria:

(a) Investment in overburdened communities;

(b) Environmental health disparities as identified in the environmental health disparities map specified in RCW 43.70.815;

(c) Location on or providing direct access to a federally recognized Indian reservation or lands;

(d) Sustaining the structural, safety, and operational integrity of the road;

(e) Vehicle and pedestrian collision experience;

(f) Access improvements to a community facility; and

(g) Identified need in a state, regional, county, or community plan.

(2) Proposed projects must be included in the respective county's six-year program as provided in RCW 36.81.121 before board approval of the project.

NEW SECTION. **Sec.**  The following project types are allowed under the county local road program created in this chapter:

(1) 2-R as defined in the LAG manual;

(2) 3-R as defined in the LAG manual;

(3) Reconstruction as defined in the LAG manual;

(4) Replacement of any bridge on the national bridge inventory;

(5) Removal of human-made or caused impediments to anadromous fish passage;

(6) Pedestrian facilities.

NEW SECTION. **Sec.**  Whenever a proposed county local road program project is adjacent to a city or town, the appropriate city or town and county officials shall jointly plan and include the improvement in their respective long-range plans. Whenever a county local road program project connects with and will be substantially affected by a programmed construction project on a state highway, the proper county officials shall jointly plan the development of such project with the department of transportation district administrator.

NEW SECTION. **Sec.**  Counties receiving funds from the county local road trust account shall provide such matching funds as established by rules adopted by the board. Matching requirements must be established after appropriate studies by the board, taking into account financial resources available to counties.

NEW SECTION. **Sec.**  (1) Only those counties that, during the preceding 12 months, have spent all revenues collected for road purposes only for such purposes, including removal of barriers to fish passage and accompanying streambed and stream bank repair as specified in RCW 36.82.070, and including traffic law enforcement as allowed under Article II, section 40 of the state Constitution or RCW 36.82.070(2), are eligible to receive funds from the county local road trust account, except that:

(a) Counties with a population of less than 8,000 are exempt from this eligibility restriction;

(b) Counties expending revenues collected for road purposes only on other governmental services after authorization from the voters of that county under RCW 84.55.050 are exempt from this eligibility restriction; and

(c) This restriction does not apply to any moneys diverted from the road district levy under chapter 39.89 RCW.

(2) The board shall authorize county local road trust account funds for the construction project portion of a project previously authorized for a preliminary proposal in the sequence in which the preliminary proposal has been completed and the construction project is to be placed under contract. At such time the board may reserve county local road trust account funds for expenditure in future years as may be necessary for completion of preliminary proposals and construction projects to be commenced in the ensuing biennium.

(3) The board may, within the constraints of available county local road trust account funds, consider additional projects for authorization upon a clear and conclusive showing by the submitting county that the proposed project is of an emergent nature and that its need was unable to be anticipated at the time the six-year program of the county was developed. The proposed projects must be evaluated on the basis of the priority rating factors specified in section 4 of this act.

NEW SECTION. **Sec.**  Whenever the board approves a county local road program project it shall determine the amount of county local road trust account funds to be allocated for such project. The allocation must be based upon information submitted by the county seeking approval of the project and upon such further investigation as the board deems necessary. The board shall adopt reasonable rules pursuant to which county local road trust account funds allocated to a project may be increased upon a subsequent application of the county constructing the project. The rules adopted by the board must take into account, but are not limited to, the following factors:

(1) The financial effect of increasing the original allocation for the project upon other county local road program projects either approved or requested;

(2) Whether the project for which an additional allocation is requested can be reduced in scope while retaining a usable segment;

(3) Whether the original cost of the project shown in the applicant's original submittal was based upon reasonable engineering estimates; and

(4) Whether the requested additional allocation is to pay for an expansion in the scope of work originally approved.

NEW SECTION. **Sec.**  Sections 1 through 9 of this act constitute a new chapter in Title 36 RCW.

NEW SECTION. **Sec.**  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, 2025.

**--- END ---**