

Chapter 36.81 RCW
ROADS AND BRIDGES—ESTABLISHMENT

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Alternate date for budget hearing: RCW 36.40.071.

Bicycles; pavement marking standards: RCW 47.36.280.

State highways in urban areas, allocation of funds, planning, bond issue, etc.: Chapter 47.26 RCW.

Urban arterials, planning, construction by cities and towns, transportation improvement board, funds, bond issue, etc.: Chapter 47.26 RCW.

RCW 36.81.010 Resolution of intention and necessity. The board may by original resolution entered upon its minutes declare its intention to establish any county road in the county and declare that it is a public necessity and direct the county road engineer to report upon such project. [1963 c 4 s 36.81.010. Prior: 1937 c 187 s 19; RRS s 6450-19.]

RCW 36.81.020 Freeholders' petition—Bond. Ten or more freeholders of any county may petition the board for the establishment of a county road in the vicinity of their residence, setting forth and describing the general course and terminal points of the proposed improvement and stating that the same is a public necessity. The petition must be accompanied by a bond in the penal sum of three hundred dollars, payable to the county, executed by one or more persons as principal or principals, with two or more sufficient sureties, conditioned that the petitioners will pay into the county

road fund of the county all costs and expenses incurred by the county in examining and surveying the proposed road and in the proceedings thereon in case the road is not established by reason of its being impracticable or there not being funds therefor. [1963 c 4 s 36.81.020. Prior: 1937 c 187 s 20, part; RRS s 6450-20, part.]

RCW 36.81.030 Deeds and waivers. The board may require the petitioners to secure deeds and waivers of damages for the right-of-way from the landowners, and, in such case, before an examination or survey by the county road engineer is ordered, such deeds and waivers shall be filed with the board. [1963 c 4 s 36.81.030. Prior: 1937 c 187 s 20, part; RRS s 6450-20, part.]

RCW 36.81.040 Action on petition. Upon the filing of the petition and bond and being satisfied that the petition has been signed by freeholders residing in the vicinity of the proposed road, the board shall direct the county road engineer to report upon the project. [1963 c 4 s 36.81.040. Prior: 1937 c 187 s 20, part; RRS s 6450-20, part.]

RCW 36.81.050 Engineer's report. Whenever directed by the board to report upon the establishment of a county road the engineer shall make an examination of the road and if necessary a survey thereof. After examination, if the engineer deems the road to be impracticable, he or she shall so report to the board without making any survey, or he or she may examine or examine and survey any other practicable route which would serve such purpose. Whenever he or she considers any road as proposed or modified as practicable, he or she shall report thereon in writing to the board giving his or her opinion: (1) As to the necessity of the road; (2) as to the proper terminal points, general course and length thereof; (3) as to the proper width of right-of-way therefor; (4) as to the estimated cost of construction, including all necessary bridges, culverts, clearing, grubbing, drainage, and grading; (5) and such other facts as he or she may deem of importance to be considered by the board. [2009 c 549 s 4136; 1963 c 4 s 36.81.050. Prior: 1937 c 187 s 21, part; RRS s 6450-21, part.]

RCW 36.81.060 Survey map, field notes and profiles. The county road engineer shall file with his or her report a correctly prepared map of the road as surveyed, which map must show the tracts of land over which the road passes, with the names, if known, of the several owners thereof, and he or she shall file therewith his or her field notes and profiles of such survey. [2009 c 549 s 4137; 1963 c 4 s 36.81.060. Prior: 1937 c 187 s 21, part; RRS s 6450-21, part.]

RCW 36.81.070 Notice of hearing on report. The board shall fix a time and place for hearing the report of the engineer and cause notice thereof to be published once a week for two successive weeks in the county official newspaper and to be posted for at least twenty days at each termini of the proposed road.

The notice shall set forth the termini of the road as set out in the resolution of the board, or the freeholders' petition, as the case

may be, and shall state that all persons interested may appear and be heard at such hearing upon the report and recommendation of the engineer either to proceed or not to proceed with establishing the road. [1963 c 4 s 36.81.070. Prior: 1937 c 187 s 22, part; RRS s 6450-22, part.]

RCW 36.81.080 Hearing—Road established by resolution. On the day fixed for the hearing or any day to which the hearing has been adjourned, upon proof to its satisfaction made by affidavit of due publication and posting of the notice of hearing, the board shall consider the report and any and all evidence relative thereto, and if the board finds that the proposed county road is a public necessity and practicable it may establish it by proper resolution. [1963 c 4 s 36.81.080. Prior: 1937 c 187 s 22, part; RRS s 6450-22, part.]

RCW 36.81.090 Expense of proceedings. The cost and expense of the road, together with cost of proceedings thereon and of right-of-way and any quarries or other land acquired therefor, and the maintenance of the road shall be paid out of the county road fund. When the costs are assessed against the principals on the bond given in connection with a petition for the improvement, the county auditor shall file a cost bill with the county treasurer who shall proceed to collect it. [1963 c 4 s 36.81.090. Prior: (i) 1937 c 187 s 22, part; RRS s 6450-22, part. (ii) 1937 c 187 s 20, part; RRS s 6450-20, part.]

RCW 36.81.100 County road on or over dikes. The board of any county may establish county roads over, across or along any dike maintained by any diking, or diking and drainage, district in the manner provided by law for establishing county roads over or across private property, and shall determine and offer the amount of damages, if any, to the district and to the owners of the land upon which the dike is constructed and maintained: PROVIDED, That every such county road must be so constructed, maintained, and used as not to impair the use of the dike. [1963 c 4 s 36.81.100. Prior: 1937 c 187 s 15; RRS s 6450-15.]

RCW 36.81.110 County road on or over dikes—Condemnation for dike roads. If any offer of damages to any diking, or diking and drainage, district is not accepted in the manner provided by law, it shall be deemed rejected, and the board by order, shall direct condemnation proceedings to procure the right-of-way to be instituted in the superior court of the county by the prosecuting attorney in the manner provided by law for the taking of private property for public use, and to that end the board may institute and maintain in the name of the county such proceedings against the diking, or diking and drainage, district and the owners of any land on which the dike is located and that have failed to accept the offer of damages made by the board: PROVIDED, That no taxes or assessments shall be charged or collected by any diking, or diking and drainage, district for any county road as provided in this section. [1963 c 4 s 36.81.110. Prior: 1937 c 187 s 16; RRS s 6450-16.]

RCW 36.81.121 Perpetual advanced six-year plans for coordinated transportation program, expenditures—Nonmotorized transportation—Railroad right-of-way. (1) At any time before adoption of the budget, the legislative authority of each county, after one or more public hearings thereon, shall prepare and adopt a comprehensive transportation program for the ensuing six calendar years. If the county has adopted a comprehensive plan pursuant to chapter 35.63 or 36.70 RCW, the inherent authority of a charter county derived from its charter, or chapter 36.70A RCW, the program shall be consistent with this comprehensive plan.

The program shall include proposed road and bridge construction work and other transportation facilities and programs deemed appropriate, and for those counties operating ferries shall also include a separate section showing proposed capital expenditures for ferries, docks, and related facilities. The program shall include any new or enhanced bicycle or pedestrian facilities identified pursuant to RCW 36.70A.070(6) or other applicable changes that promote nonmotorized transit. Copies of the program shall be filed with the county road administration board and with the state secretary of transportation not more than thirty days after its adoption by the legislative authority. The purpose of this section is to assure that each county shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated transportation program. The program may at any time be revised by a majority of the legislative authority but only after a public hearing thereon.

(2) Each six-year transportation program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a county will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for nonmotorized transportation purposes.

(3) Each six-year transportation program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a county shall act to preserve railroad right-of-way in the event the railroad ceases to operate in the county's jurisdiction.

(4) The six-year plan for each county shall specifically set forth those projects and programs of regional significance for inclusion in the transportation improvement program within that region. [2005 c 360 s 3; 1997 c 188 s 1. Prior: 1994 c 179 s 2; 1994 c 158 s 8; 1990 1st ex.s. c 17 s 58; 1988 c 167 s 8; 1983 1st ex.s. c 49 s 20; prior: 1975 1st ex.s. c 215 s 2; 1975 1st ex.s. c 21 s 3; 1967 ex.s. c 83 s 26; 1963 c 4 s 36.81.121; prior: 1961 c 195 s 1.]

Findings—Intent—2005 c 360: See note following RCW 36.70A.070.

Captions not law—Severability—Effective date—1994 c 158: See RCW 47.80.902 through 47.80.904.

Severability—Part, section headings not law—1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.

Savings—Severability—1988 c 167: See notes following RCW 47.26.121.

Effective date—1983 1st ex.s. c 49: See RCW 36.79.901.

Effective dates—1967 ex.s. c 83: See RCW 47.26.910.

*Highways, roads, streets in urban areas, urban arterials, development:
Chapter 47.26 RCW.*

*Long range arterial construction planning, counties and cities to
prepare data: RCW 47.26.170.*

RCW 36.81.122 Provisions for bicycle paths, lanes, routes, roadways and improvements to be included in annual revision or extension of comprehensive road programs—Exception. The annual revision and extension of comprehensive road programs pursuant to RCW 36.81.121 shall include consideration of and, wherever reasonably practicable, provisions for bicycle paths, lanes, routes, and roadways: PROVIDED, That no provision need be made for such a path, lane, route, or roadway where the cost of establishing it would be excessively disproportionate to the need or probable use. [1974 ex.s. c 141 s 9.]

RCW 36.81.130 Procedure specified for establishment, construction, and maintenance. The laying out, construction, and maintenance of all county roads shall hereafter be in accordance with the following procedure:

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

After filing of the road engineer's recommended plan, the county legislative authority shall consider the same. Revisions and changes may be made until a plan which is agreeable to a majority of the members of the county legislative authority has been adopted: PROVIDED, That such revisions shall conform as nearly as practicable to the county's long range road program. Any appropriations contained in the county road budget shall be void unless the county's road plan was adopted prior to such appropriation.

The final road plan for the fiscal year shall not thereafter be changed except by unanimous vote of the county legislative authority. [2005 c 162 s 2; 1991 c 363 s 86; 1975 1st ex.s. c 21 s 4; 1963 c 4 s 36.81.130. Prior: 1949 c 156 s 7; Rem. Supp. 1949 s 6450-8f.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

RCW 36.81.140 Columbia Basin project road systems—Establishment by plat. When plats or blocks of farm units have been or are filed under the provisions of chapter 89.12 RCW which contain a system of county roads, or when a supplemental plat of a system of county roads to serve such a plat is filed in connection therewith, the filing period and formal approval by the board of county commissioners shall constitute establishment as county roads: PROVIDED, That the board of county commissioners have obtained the individual rights-of-way by deed or as otherwise provided by law. [1963 c 4 s 36.81.140. Prior: 1953 c 199 s 1.]