

**RCW 47.44.010 Wire and pipe line and tram and railway franchises**

**—Application—Rules on hearing and notice.** (1) The department of transportation may grant franchises to persons, associations, private or municipal corporations, the United States government, or any agency thereof, to use any state highway for the construction and maintenance of water pipes, flume, gas, oil or coal pipes, telephone, telegraph, fiber optic, electric light and power lines and conduits, trams or railways, and any structures or facilities that are part of an urban public transportation system owned or operated by a municipal corporation, agency, or department of the state of Washington other than the department of transportation, and any other such facilities. In order to minimize the disruption to traffic and damage to the roadway, the department is encouraged to develop a joint trenching policy with other affected jurisdictions so that all permittees and franchisees requiring access to ground under the roadway may do so at one time.

(2) All applications for the franchise must be made in writing and subscribed by the applicant, and describe the state highway or portion thereof over which franchise is desired and the nature of the franchise. The application must also include the identification of all jurisdictions affected by the franchise and the names of other possible franchisees who should receive notice of the application for a franchise.

(3) The department of transportation shall adopt rules providing for a hearing or an opportunity for a hearing with reasonable public notice thereof with respect to any franchise application involving the construction and maintenance of utilities or other facilities within the highway right-of-way which the department determines may (a) during construction, significantly disrupt the flow of traffic or use of driveways or other facilities within the right-of-way, or (b) during or following construction, cause a significant and adverse effect upon the surrounding environment. [2021 c 258 s 8; 2001 c 201 s 5; 1980 c 28 s 1; 1975 1st ex.s. c 46 s 1; 1967 c 108 s 7; 1963 c 70 s 1; 1961 ex.s. c 21 s 26; 1961 c 13 s 47.44.010. Prior: 1943 c 265 s 2; 1937 c 53 s 83; Rem. Supp. 1943 s 6400-83.]

**Findings—Intent—2021 c 258:** See note following RCW 47.44.160.

*Urban public transportation system defined: RCW 47.04.082.*