
**Technology, Energy & Communications
Committee**

HB 1499

Brief Description: Concerning notice of utility facilities relocations.

Sponsors: Representatives Eddy, Hudgins, Springer, Anderson, Herrera, Haler, Hasegawa, McCune and Crouse.

Brief Summary of Bill

- Provides that public agencies must involve affected utilities in the preliminary design phase of a proposed right-of-way project.

Hearing Date: 2/11/09

Staff: Kara Durbin (786-7133)

Background:

Cities or towns may require service providers with facilities located in the right-of-way to relocate their facilities, if relocation is necessary in order for the city or town to make alterations, repairs, or improvements to the right-of-way for health or safety purposes. Generally, service providers are required to pay for any costs associated with relocation, unless: (1) the service provider has already paid for relocation of the same facilities at the request of a city or town within the past five years, or (2) the city or town is requiring that aerial facilities be relocated underground for aesthetic purposes only, and the cost of relocating those facilities underground is more than the cost of relocating those facilities in another aerial location. Cities or towns also may require relocation of facilities at the service provider's expense if an unforeseen emergency occurs that creates an immediate threat to public safety, health, or welfare.

Cities must notify service providers as soon as practicable of the need to relocate and the date by which relocation must be completed. In calculating the date for completion, cities must consult with affected service providers. Service providers must relocate their facilities by the specified

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

completion date, unless the city establishes a later date for completion based upon a showing that relocation cannot be completed safely and effectively by the date specified.

If the right-of-way project is primarily for private benefit, the private party receiving the benefit must reimburse the service provider for the cost of relocation in the same proportion as their contribution to the costs of the project.

Summary of Bill:

Public agencies may require utility facility operators to relocate authorized facilities within the right-of-way if relocation is necessary in order for the city or town to make alterations, repairs, or improvements to the right-of-way for health or safety purposes.

If a public agency is planning a project in a right-of-way that may require relocation of utility facilities, the public agency must conduct a preliminary design meeting during the planning and design phase of the project. Affected utility operators must be notified in writing at least 30 days prior to the preliminary design meeting.

Public agencies must work with affected utility facility operators to minimize or eliminate utility facility relocations and costs in the project design. In calculating the proposed completion date for any relocation of utility facilities, the public agency must consult with the affected utility facility operators. Relocation must be completed by the date specified, unless the public agency or a reviewing court establishes a later date for completion upon a showing that relocation cannot be completed safely and effectively by the date specified.

"Public agency" means the state, county, city, or any political subdivision of the state that maintains ownership or control of the right-of-way.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.