

***Technology, Telecommunications
& Energy Committee***

HB 2193

Brief Description: Clarifying the cost burden for utility relocation.

Sponsors: Representatives DeBolt (co-prime sponsor), Morris (co-prime sponsor), Ruderman, Mielke, Crouse, Poulsen, Kessler, Mastin, Casada, Delvin, Pflug, Wood, Esser, B. Chandler, Linville and Berkey.

Brief Summary of Bill

- *Requires that the cost of relocating a utility's facilities resulting from the construction, repair, or improvement of a regional transit authority's system must be paid by the regional transit authority and such cost must be considered part of the costs of the system.*

Hearing Date:

Staff: Pam Madson (786-7166).

Background:

In 1992, the Legislature authorized the creation of a regional transit authority for contiguous counties with a population of over 400,000. In 1993, the county councils of King, Pierce, and Snohomish counties voted to form a regional transit authority. The authority is charged with implementing a high capacity transportation system and developing revenues to support the system. This central Puget Sound regional transit authority is known as Sound Transit.

In 1996, voters within the boundaries of Sound Transit approved a plan and local option taxes to support the plan. Implementation of the plan includes construction of a light rail system. This construction will require the removal and relocation of various utility facilities located along the rail line. Sound Transit is currently in negotiations with various utilities on the issue of relocation of facilities.

Historically, when improvements to a public right of way required the displacement of telecommunications equipment, telecommunications companies paid the expense of relocation. A county, in granting a franchise for use by a utility of a county road right-of-way, may require that any relocation reasonably necessary for construction, alteration, or improvement must be paid by the utility. In 2000, the Legislature allowed cities and towns to require utilities to be relocated if reasonably necessary for construction, alteration, repair or improvement of the right of way. Utilities may seek reimbursement from the city when aerial facilities are being relocated underground, when the utility has paid for relocation of the same facilities within the last five years, or when the city was seeking relocation for aesthetic reasons. The Department of Transportation may reimburse a utility for relocation costs under certain circumstances.

Summary of Bill:

In the case of a regional transit authority, the costs of removing or relocating utility facilities that result from construction, alteration, repair, or improvement of the transit authority's system must be included in the cost of the system and must be paid by the authority. Utilities may not be responsible for the costs.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.