

HB 1499 - H AMD 127

By Representative Eddy

ADOPTED 03/05/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 80.04 RCW
4 to read as follows:

5 (1) If a public agency is planning a project that may require a
6 utility facility operator to relocate its utility facilities in or
7 along the right-of-way, the public agency shall notify each affected
8 utility facility operator as soon as is practicable and include the
9 affected utility facility operator in a preliminary design meeting
10 during the design phase. The notice must provide information
11 concerning: (a) The proposed project design; and (b) proposed dates of
12 any required utility facility relocations.

13 (2) During the preliminary design meeting, public agencies and
14 affected utility facility operators shall review the impact of any
15 proposed utility facility relocation and make reasonable efforts to
16 avoid or minimize:

- 17 (a) Factors which could cause delay of the project;
- 18 (b) Relocation of existing utility facilities and associated costs;
- 19 and
- 20 (c) Costs to public agencies.

21 (3) This section does not preempt specific provisions in existing
22 franchises, permits, or contracts between public agencies and utility
23 facility operators.

24 (4) This section does not apply to the relocation of utility
25 facilities in the event of an unforeseen emergency that creates an
26 immediate threat to the public safety, health, or welfare.

27 (5) The definitions in this subsection apply throughout this
28 section unless the context clearly requires otherwise.

29 (a) "Public agency" means the state, county, city, or any political

1 subdivision of the state, which maintains ownership or control of the
2 right-of-way.

3 (b) "Utility facility" means any privately, publicly, or
4 cooperatively owned equipment, facilities, or system for producing,
5 transmitting, or distributing communications, cable television, power,
6 electricity, gas, hazardous liquids, water, steam, or waste."

7 Correct the title.

EFFECT: Strikes the provisions of the underlying bill. Requires public agencies to notify an affected utility as soon as practicable if a project in the right-of-way may require relocation of utility facilities. Requires public agencies to include an affected utility in a preliminary design meeting. Provides that public agencies and affected utilities must make reasonable efforts to avoid or minimize: (1) Factors that could cause delay of the project; (2) relocation of utility facilities and associated costs; and (3) costs to public agencies.

Specifies that these notice provisions do not apply to the relocation of utility facilities in the event of an emergency, nor do they preempt existing agreements between public agencies and utilities.

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