



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: County Road Administration Board

Administrative Order 80

- Permanent Rule
 Emergency Rule

(1) Date of adoption: October 5, 1990

(2) Purpose: Deletes existing optional policy and replaces with a requirement for all counties to adopt a policy; sets forth minimum requirements, due dates, and handling of updates, amendments and modifications.

(3) Citation of existing rules affected by this order:
Repealed: 136-40-044 thru 136-40-812
Amended: 136-40-010 thru 136-40-040
Suspended: none

(4) Authority for adoption:
Statute: RCW 36.78.070
Other Authority: n/a

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 90-17-074 on 8/16/90 (date).

Describe any changes other than editing from proposed to adopted version:
Required adoption and submittal dates moved to December 1, 1991 and January 1, 1992 respectively.

(5.2) EMERGENCY RULE ONLY

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
 Yes No If yes, explain:

(6) Effective date of rule:
Permanent Rules **Emergency Rules**
 31 days after filing Immediately
 Other (specify) _____ * Later (specify) _____
*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY
CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

NOV 06 1990

TIME: 2:00
WSR: 90-22-081

NAME (TYPE OR PRINT)

Vern E. Wagar

SIGNATURE

Vern E. Wagar

Executive Director

DATE
11/6/90

AMENDATORY SECTION (Amending Order 18, filed 7/22/71)

WAC 136-40-010 PURPOSE. ((The--department--of--transportation, Federal Highway Administration requires--that--all--states--and--their local--subdivisions--develop--and--adopt--a--policy--on--accommodation--of utilities--on--road--rights--of--way--which--are--part--of--the--FAS--system. Such--a--policy--is--a--prerequisite--to--allocation--of--federal--highway--funds to--county--road--projects.--It--is--advisable--that--such--a--policy--be--made applicable--to--all--county--roads.

The policy contained herein has--been--approved--by--federal--and state--agencies--as--meeting--all--mandatory--requirements.--It--may--be adopted--by--reference.--It--will--be--applicable--only--in--those--counties where--it--is--adopted--by--resolution--of--the--board--of--county--commissioners and--only--under--conditions--stated--in--said--resolution.)) In order to effectively administer its authority to:

(1) Grant utility franchises and permits on county roads as provided in chapter 36.55 RCW;

(2) Exercise overall responsibility for county roads and bridges as provided in chapter 36.75 RCW; and

(3) Exercise its police power; each county legislative authority shall adopt a generally applicable written policy ("utility policy") to provide administrative, procedural, and technical guidance for the installation, replacement, adjustment, relocation, and maintenance of all above and below ground utilities and other transmission or transport facilities located within all county road rights of way.

AMENDATORY SECTION (Amending Order 18, filed 7/22/71)

WAC 136-40-020 ((APPLICATION)) CONTENTS. ((This--policy--shall apply--to--all--franchises--and--permits--issued,--pursuant--to--RCW--80.32.010, 80.36.040--and--chapter--36.55--RCW,--to--all--public--and--private--utilities including--but--not--limited--to--electric--power,--telephone,--telegraph, water,--gas,--oil,--petroleum--products,--steam,--chemicals,--sewage,--drainage,--irrigation--and--similar--lines--that--are--to--be--located,--adjusted--or relocated--within--the--rights--of--way--of--county--roads.

Nothing in this policy shall be construed as limiting the--rights of--the--county--to--impose--restrictions--or--requirements--in--addition--to and/or--deviations--from--those--stated--herein--in--any--franchise--or--permit where--the--county--deems--it--advisable--to--do--so.)) Each utility policy shall, at a minimum:

(1) Address all public and private utilities and other transmission or transport facilities which are installed, replaced, adjusted, relocated and/or maintained within the county road right of way pursuant to franchises, permits, and/or exemptions from the permit process including but not limited to electric power, telephone, television, telegraph, communication, water, gas, all petroleum products, steam, chemicals, sewage, drainage, and irrigation;

(2) Include general standards and requirements for the location, design, and construction of each utility;

(3) Incorporate a written permit process for all utility work not exempted by the provisions of the utility policy, and specify exemptions from such permit process, if any;

(4) Include specific requirements for underground utilities which shall include location and alignment, depth of burial and cover, encasement, marking, appurtenances and related installation procedures;

(5) Include specific requirements for above ground utilities which shall include location and alignment and vertical clearances;

(6) Include specific requirements for all utilities which shall include aesthetic/scenic considerations, installations on roadway bridges and structures, site restoration and cleanup, traffic control and public safety, and both normal and emergency repairs.

The county road administration board shall, upon request, provide any county a copy of a model utility policy. The model utility policy will meet the minimum requirements of this chapter and may be amended as necessary to meet the specific needs of a county.

AMENDATORY SECTION (Amending Order 18, filed 7/22/71)

WAC 136-40-030 ((DEFINITION-OF-TERMS)) ADOPTION AND SUBMITTAL.
 ((Unless--otherwise--stated,--words--and--phrases--used--herein--shall--have--the--following--meaning:

{1}-Backfill--replacement-of--soil--around--and--over--a--buried facility;

{2}-Carrier--pipe-directly-enclosing-a-transmitted-fluid-(liquid or-gas);

{3}-Easing--a-larger-pipe-enclosing-a-carrier;

{4}-Coating--material-applied-to-or-wrapped-around-a-pipe;

{5}-Conduit--or-duct--an-enclosed-tubular-runway-for-protecting wires-or-cables;

{6}-Construction-permit--document-required-prior-to-construction of-a-facility-on-a-right-of-way;

{7}-Cover--depth-of-top-of-pipe-below-grade-of-road-or-ditch;

{8}-Drain--appurtenance-to-discharge-accumulated-liquid-contaminants-from-casings-or-other-enclosures;

{9}-Encasement--structural-element-surrounding-a-pipe;

{10}-Franchise--occupancy-and-use-document--required--for--occupancy--of--road--rights--of--way--in--accordance--with--chapters--36,55--and--80,32-RCW;

{11}-Gallery--an-underpass-for-two-or-more-pipelines;

{12}-Grounded--connected-to-earth-or-to-some-extended-conducting body-which-serves-as-a-ground-instead-of-the-earth;

{13}-Manhole--an-opening-in-an--underground--system--into--which workmen--or--others--may--enter--for--the--purpose--of--making--installations, inspections,--repairs,--connections,--and--tests;

{14}-Normal--crossing-at-a-right-angle-to-the-road;

{15}-Overcrossing--a-grade-separation--where--the--subject--road passes-over-an-intersecting-road-or-railroad;

{16}-Pipe--a-tubular-product-made-as-a-production-item-for-sale as-such;

{17}-Pressure--relative-internal-pressure-in--psig--(pounds--per square-inch-gage);

{18}-Private--lines--privately-owned-facilities-which-convey-or transmit-commodities-but-are-devoted-exclusively-to--the--use--of--the owner;

{19}-Rest-area--a-roadside-area-with-parking-facilities-provided for--motorists--to-stop-and-rest.--It-may-include-drinking-water,--toilets,--tables-and-benches,--telephones,--information,--and--other--facilities-for-travelers;

{20}-Restoration--a-general-term-denoting-replacing,--repairing or--otherwise--restoring--the--right--of--way--to--the--same--or--equal--conditions--as--before--any--change--or--construction--thereon;

{21}-Right--of--way--a-general-term-denoting-land,--property,--or interest--therein,--usually--in--a--strip,--acquired-for-or-devoted-to-highway-transportation-purposes;

{22}-Road--a-general-term-denoting-a-street,--road-or-public--way including-shoulders-for-purposes-of-vehicular-travel;

{23}-Roadside--a-general-term-denoting-the-area-adjoining-the outer-edge-of-the-road;

{24}-Roadway-structure--the-combination-of-subbase,--base-course, and-surface-course-placed-on-a-subgrade-to-support--the--traffic--load and-distribute-it-to-the-roadbed;

{25}-Slab,--floating--slab-between-but-not-contacting-pipe-or pavement;

(26) Standard specifications for road and bridge construction --- the latest compilation of standard requirements for road and bridge construction issued by the Washington state highway commission and/or APWA.

(27) Traffic control --- those provisions necessary to safeguard the public during construction and maintenance activities.

(28) Trenched --- installed in a narrow open excavation.

(29) True line and grade --- a line reasonably free from variation on both horizontal and vertical alignment.

(30) Untrenched --- installed without breaking ground or pavement surface, such as by jacking or boring.

(31) Vent --- appurtenance to ventilate casings.

(32) Viewpoint --- a roadside area provided for motorists to stop their vehicles beyond the shoulder, primarily for viewing the scenery in safety.) Each county legislative authority shall formally adopt, no later than December 31, 1991, a utility policy regarding accommodation of utilities on county road rights of way that includes all the requirements enumerated in WAC 136-40-020. A copy of such utility policy shall be forwarded to the county road administration board by January 31, 1992.

AMENDATORY SECTION (Amending Order 18, filed 7/22/71)

WAC 136-40-040 ((GENERAL CONSIDERATIONS--LOCATION)) EXISTING POLICIES. ((The county may restrict the number of utility service crossings. The utility companies shall make adequate studies to anticipate their present and future needs to determine if several crossings can be combined to make the use of a utility tunnel or bridge feasible.

Utility installations should be located to minimize need for later adjustment to accommodate future road improvements and to permit access for servicing such facilities with minimum interference to traffic.

In all cases, full consideration shall be given to aesthetics, sound engineering principles, and overall economic aspects.) Counties with existing utility policies shall not be required to meet the requirements of WAC 136-40-030 unless the existing utility policy (1) has not been formally adopted by the county legislative authority, and/or (2) is not in substantial conformance with the content requirements of WAC 136-40-020.

NEW SECTION

WAC 136-40-050 UPDATES, AMENDMENTS, AND MODIFICATIONS. Should any existing, adopted utility policy be updated, amended or otherwise modified, said action shall be formally accomplished by the county legislative authority. A copy of the officially adopted updated, amended, or modified utility policy shall be forwarded to the county road administration board within thirty days of such adoption.

NEW SECTION

WAC 136-40-060 CONFLICTS WITH STATE AND FEDERAL REQUIREMENTS. Nothing in this section shall eliminate or modify any requirements, procedures, or authorities of the Washington state department of

transportation, the Washington utilities and transportation commission, the Federal Highway Administration or any other state or federal agency.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 136-40-044	GENERAL CONSIDERATIONS--LOCATION STANDARDS.
WAC 136-40-048	GENERAL CONSIDERATIONS--ROAD PURPOSE UTILITIES.
WAC 136-40-052	GENERAL CONSIDERATIONS--ACCOMMODATION WHERE PRIOR
RIGHT.	
WAC 136-40-100	DESIGN OF FACILITIES--RESPONSIBILITY.
WAC 136-40-104	DESIGN OF FACILITIES--PLANNING.
WAC 136-40-108	DESIGN OF FACILITIES--STANDARDS.
WAC 136-40-112	DESIGN OF FACILITIES--APPEARANCE.
WAC 136-40-116	DESIGN OF FACILITIES--MATERIALS.
WAC 136-40-120	DESIGN OF FACILITIES--POWER AND COMMUNICATION
CODES.	
WAC 136-40-124	DESIGN OF FACILITIES--WATER LINE CODES.
WAC 136-40-128	DESIGN OF FACILITIES--PRESSURE PIPELINE CODES.
WAC 136-40-132	DESIGN OF FACILITIES--SEWER LINE CODES.
WAC 136-40-136	DESIGN OF FACILITIES--DRAINAGE FACILITY CODES.
WAC 136-40-140	DESIGN OF FACILITIES--UTILITY TUNNEL OR BRIDGE.
WAC 136-40-200	CONSTRUCTION PERMITS AND FRANCHISES--GENERAL.
WAC 136-40-204	CONSTRUCTION PERMITS AND FRANCHISES--APPLICATION
REQUIREMENTS.	
WAC 136-40-208	CONSTRUCTION PERMITS AND FRANCHISES--PERMIT
REQUIREMENTS.	
WAC 136-40-212	CONSTRUCTION PERMITS AND FRANCHISES--ENVIRONMEN-
TAL PROTECTION.	
WAC 136-40-300	PIPELINES--LOCATION.
WAC 136-40-304	PIPELINES--INSTALLATION.
WAC 136-40-308	PIPELINES--COVER.
WAC 136-40-312	PIPELINES--ENCASEMENT.
WAC 136-40-316	PIPELINES--UNCASED CARRIERS.
WAC 136-40-320	PIPELINES--APPURTENANCES.
WAC 136-40-324	PIPELINES--ADJUSTMENT OF EXISTING FACILITIES.
WAC 136-40-400	OVERHEAD POWER AND COMMUNICATION LINES--TYPE OF
CONSTRUCTION.	
WAC 136-40-404	OVERHEAD POWER AND COMMUNICATION LINES--VERTICAL
CLEARANCE.	
WAC 136-40-408	OVERHEAD POWER AND COMMUNICATION LINES--HORIZON-
TAL CLEARANCE.	
WAC 136-40-412	OVERHEAD POWER AND COMMUNICATION LINES--IRREGULAR
RIGHT OF WAY.	
WAC 136-40-416	OVERHEAD POWER AND COMMUNICATION LINES--AESTHETIC
CONSIDERATIONS.	
WAC 136-40-500	UNDERGROUND POWER AND COMMUNICATION LINES--
GENERAL.	
WAC 136-40-504	UNDERGROUND POWER AND COMMUNICATION LINES--
DESIGN.	
WAC 136-40-508	UNDERGROUND POWER AND COMMUNICATION LINES--
MANHOLES.	
WAC 136-40-512	UNDERGROUND POWER AND COMMUNICATION LINES--SCENIC
AREAS.	
WAC 136-40-600	INSTALLATIONS ON BRIDGES--GENERAL.
WAC 136-40-604	INSTALLATIONS ON BRIDGES--LOCATION.
WAC 136-40-608	INSTALLATIONS ON BRIDGES--CLEARANCE.
WAC 136-40-612	INSTALLATIONS ON BRIDGES--MOUNTING.
WAC 136-40-616	INSTALLATIONS ON BRIDGES--POWER AND COMMUNICATION
LINES.	

WAC 136-40-620 INSTALLATIONS ON BRIDGES--BEYOND ABUTMENTS.
WAC 136-40-624 INSTALLATIONS ON BRIDGES--RESPONSIBILITY.
WAC 136-40-700 ALL UTILITIES--DRAINAGE.
WAC 136-40-704 ALL UTILITIES--RESTORATION.
WAC 136-40-708 ALL UTILITIES--VEGETATION.
WAC 136-40-712 ALL UTILITIES--DEBRIS.
WAC 136-40-800 PUBLIC SAFETY--TRAFFIC CONTROL.
WAC 136-40-804 PUBLIC SAFETY--OPEN EXCAVATION.
WAC 136-40-808 PUBLIC SAFETY--MAINTENANCE.
WAC 136-40-812 PUBLIC SAFETY--EMERGENCIES.