
SUBSTITUTE HOUSE BILL 1198

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Local Government (originally sponsored by Representatives Hine, G. Fisher, Holland, Forner, Prentice, Spanel, Valle, Heavey, R. Johnson and Leonard).

Read first time March 6, 1991.

1 AN ACT Relating to the location of electrical facilities; amending
2 RCW 80.32.010; adding a new section to chapter 35.21 RCW; and adding a
3 new section to chapter 36.32 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 80.32.010 and 1985 c 469 s 62 are each amended to read
6 as follows:

7 The legislative authority of the city or town having control of any
8 public street or (~~road, or, where the street or road is not within the~~
9 ~~limits of any incorporated city or town, then~~) the county legislative
10 authority of the county (~~wherein the~~) having control of any road (~~(or~~
11 ~~street is situated,~~) may grant authority for the construction,
12 maintenance and operation of transmission lines for transmitting
13 electric power, together with poles, wires and other appurtenances,
14 upon, over, under, along, and across any such public street or road,
15 and in granting this authority the legislative authority of the city or

1 town, or the county legislative authority, as the case may be, may
2 prescribe the terms and conditions on which the transmission line and
3 its appurtenances, shall be constructed, maintained and operated upon,
4 over, under, along, and across the road or street, and the grade or
5 elevation at which the same shall be constructed, maintained and
6 operated(~~(:—PROVIDED, That)~~).

7 On application being made to the county, city, or town legislative
8 authority, for such authority, the county, city, or town legislative
9 authority shall fix a time and place for hearing the same, and shall
10 cause (~~(the county auditor to give)~~) public notice thereof to be given
11 at the expense of the applicant, by: (1) Posting written or printed
12 notices (~~(in three public places in the county seat of the county, and~~
13 ~~in at least one conspicuous place)~~) conspicuously on the road or street
14 or part thereof, for which application is made, with at least one
15 posted notice for each one mile of such road or street or part for
16 which application is made, at least fifteen days before the day fixed
17 for such hearing(~~(7)~~); and (2) by publishing a like notice once a week
18 for two consecutive weeks in the official city, town, or county
19 newspaper, the last publication to be at least five days before the day
20 fixed for the hearing(~~(7, which)~~). Notices shall state the name or
21 names of the applicant or applicants, a description of the roads or
22 streets or parts thereof for which the application is made, and the
23 time and place fixed for the hearing.

24 The hearing may be adjourned from time to time by order of the
25 county, city, or town legislative authority. If after such hearing the
26 county, city, or town legislative authority shall deem it to be for the
27 public interest to grant the authority in whole or in part, it may make
28 and enter the proper order granting the authority applied for or such
29 part thereof as it deems to be for the public interest, and shall
30 require the transmission line and its appurtenances to be placed in

1 such location on or along the road or street as it finds will cause the
2 least interference with other uses of the road or street. In case any
3 such transmission line is or shall be located in part on private right
4 of way, the owner thereof shall have the right to construct and operate
5 the same across any ((county)) road or ((county)) street which
6 intersects the private right of way, if the crossing is so constructed
7 and maintained as to do no unnecessary damage(~~(:—PROVIDED, That))~~).

8 Any person or corporation constructing the crossing or operating
9 the transmission line on or along the ((county)) road or ((county))
10 street shall be liable to the county, city, or town for all necessary
11 expense incurred in restoring the ((county)) road or ((county)) street
12 to a suitable condition for travel.

13 NEW SECTION. Sec. 2. A new section is added to chapter 35.21 RCW
14 to read as follows:

15 An electrical substation may be located in a city or town only if
16 a special or conditional use permit for the electrical substation has
17 been issued by the city or town. The issuance of such a permit may be
18 conditioned upon requirements and terms established by the city or
19 town.

20 A public hearing on a proposed electrical substation shall be held
21 by the city or town council, with notice being posted in at least five
22 conspicuous places near the proposed location for the electrical
23 substation.

24 NEW SECTION. Sec. 3. A new section is added to chapter 36.32 RCW
25 to read as follows:

26 An electrical substation may be located in the unincorporated area
27 of a county only if a special or conditional use permit for the
28 electrical substation has been issued by the county. The issuance of

1 such a permit may be conditioned upon requirements and terms
2 established by the city or town.

3 A public hearing on a proposed electrical substation shall be held
4 by the county legislative authority, with notice being posted in at
5 least five conspicuous places near the proposed location for the
6 electrical substation.