

---

SENATE BILL 6746

---

State of Washington 57th Legislature

2002 Regular Session

By Senators Stevens, T. Sheldon, Finkbeiner, Rossi, Snyder, McCaslin and Hargrove

Read first time 01/31/2002. Referred to Committee on Economic Development & Telecommunications.

1 AN ACT Relating to use permits for telecommunications facilities on  
2 state lands; amending RCW 79.01.392; adding a new section to chapter  
3 79.01 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that advanced  
6 telecommunications services are essential to our modern, information  
7 society. The legislature further finds that telecommunications  
8 companies, when constructing and upgrading the networks that provide  
9 these services, must cross state lands to reach all state residents and  
10 that, for the benefit of these residents, the state should permit such  
11 crossings in a nondiscriminatory, economic, and timely manner.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 79.01 RCW  
13 to read as follows:

14 (1) The use of state lands for telecommunications facilities must  
15 be granted by use permit.

16 (2) The term of a use permit must be at least thirty years.

17 (3) The total charge for the use permit must be an amount equal to  
18 the diminution in the property value of the land caused by the location

1 of the telecommunications facilities. The diminution in property value  
2 must be based on the appraised value of the land in its current use at  
3 the time of application of the use permit.

4 **Sec. 3.** RCW 79.01.392 and 2001 c 250 s 13 are each amended to read  
5 as follows:

6 Upon the filing of the plat and field notes, as provided in RCW  
7 79.01.388, the land applied for and the valuable materials on the right  
8 of way applied for, and the marked danger trees to be felled off the  
9 right of way, if any, and the improvements included in the right of way  
10 applied for, if any, shall be appraised as in the case of an  
11 application to purchase state lands. Upon full payment of the  
12 appraised value of the land applied for, or upon payment of an annual  
13 rental when the department of natural resources deems a rental to be in  
14 the best interests of the state, and upon full payment of the appraised  
15 value of the valuable materials and improvements, if any, the  
16 commissioner of public lands shall issue to the applicant a certificate  
17 of the grant of such right of way stating the terms and conditions  
18 thereof and shall enter the same in the abstracts and records in his or  
19 her office, and thereafter any sale or lease of the lands affected by  
20 such right of way shall be subject to the easement of such right of  
21 way. Should the corporation, company, association, individual, state  
22 agency, political subdivision of the state, or the United States of  
23 America, securing such right of way ever abandon the use of the same  
24 for a period of sixty months or longer for the purposes for which it  
25 was granted, the right of way shall revert to the state, or the state's  
26 grantee.

27 Use permit payments for telecommunications facilities must be  
28 calculated according to section 2 of this act.

--- END ---