

SENATE BILL REPORT

SB 5372

As Reported By Senate Committee On:
Government Operations & Elections, February 24, 2005

Title: An act relating to the coordination of water and sewer system utilities.

Brief Description: Requiring notice to water and sewer districts of changes that require relocating facilities.

Sponsors: Senators Berkey, Fairley, Pridemore, Roach and Johnson.

Brief History:

Committee Activity: Water, Energy & Environment: 1/25/05 [w/o Rec-GO].
Government Operations & Elections: 1/31/05, 2/24/05 [DPS, DNP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5372 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Roach, Ranking Minority Member; Fairley, Haugen, Kline, Mulliken and Pridemore.

Minority Report: Do not pass.

Signed by Senator Benton.

Staff: Diane Smith (786-7410)

Background: County roads, city streets, and state highways are located on rights of way owned by the county, city, or State Department of Transportation, respectively. Each entity has the authority to grant franchises to public or private entities to use these rights of way for various purposes. One of these purposes is the construction and maintenance of water-sewer lines. Some other purposes are to construct and maintain flumes; gas, oil, or coal pipelines; telephone, telegraph, electric light, power and cable lines; trams and railways.

In order to minimize the disruption to traffic and damage to the roadway, the Department of Transportation is encouraged to develop a joint trenching policy with other affected jurisdictions so that all franchisees requiring access to ground under the roadway may do so at one time.

Summary of Substitute Bill: Cities and counties must consult with public water-sewer, sewer, and water utilities in the predesign phase of construction projects involving relocation of those facilities.

Substitute Bill Compared to Original Bill: The substitute bill removes the Department of Transportation, simplifies the original bill, and removes the timelines. The original bill required, when a change to a right of way requires relocation of water or sewer lines, the city, county, or Department of Transportation to give the public utility operating the water-sewer

system at least 180 days' notice of the change. The proposed construction plans must accompany the notice. The public utility will then have 30 days in which it may suggest changes to the plans in order to reduce cost and relocation. The city, county, or Department of Transportation must consider the suggestions in good faith and require only those relocations that are reasonably necessary based on sound engineering practices.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: Better coordination among agencies will resolve the problem of streets being torn up multiple times in a month or two. In one situation, a 9 month old water pipe was disrupted to put in a frog crossing. This bill is for those smaller projects that fly under the radar. For the big projects, everybody is alert to coordination issues. It is critical that notice go out in the design phase, not after the contract is put together and bid: that is too late. Look at current statutes first. Time lines can be hard to meet in construction contracts because construction is such a fluid process.

Testimony Against: None.

Who Testified: PRO: Victoria Lincoln, Association of Washington Cities, Linda Anderson, Department of Transportation; Doug Levy, Cities of Kent, Federal Way, Puyallup and Renton; Paul Parker, Association of Washington Counties. Pro: Joe Daniels, Washington Association of Sewer and Water Districts; Ron Sheadel, Washington Association of Water Districts; Ron Speer.