

SB 5711 - S AMD TO S AMD (S-1947.3/17) 70
By Senator Ericksen

1 On page 3, after line 20 of the amendment, insert the following:

2 "Sec. 103. RCW 35.99.010 and 2000 c 83 s 1 are each amended to
3 read as follows:

4 The definitions in this section apply throughout this chapter
5 unless the context clearly requires otherwise.

6 (1) "Cable television service" means the one-way transmission to
7 subscribers of video programming and other programming service and
8 subscriber interaction, if any, that is required for the selection or
9 use of the video programming or other programming service.

10 (2) "Facilities" means all of the plant, equipment, fixtures,
11 appurtenances, antennas, and other facilities necessary to furnish
12 and deliver telecommunications services and cable television
13 services, including but not limited to poles with crossarms, poles
14 without crossarms, wires, lines, conduits, cables, communication and
15 signal lines and equipment, braces, guys, anchors, vaults, and all
16 attachments, appurtenances, and appliances necessary or incidental to
17 the distribution and use of telecommunications services and cable
18 television services.

19 (3) "Master permit" means the agreement in whatever form whereby
20 a city or town may grant general permission to a service provider to
21 enter, use, and occupy the right-of-way for the purpose of locating
22 facilities. This definition is not intended to limit, alter, or
23 change the extent of the existing authority of a city or town to
24 require a franchise nor does it change the status of a service
25 provider asserting an existing statewide grant based on a predecessor
26 telephone or telegraph company's existence at the time of the
27 adoption of the Washington state Constitution to occupy the
28 right-of-way. For the purposes of this subsection, a franchise,
29 except for a cable television franchise, is a master permit. A master
30 permit does not include cable television franchises.

1 (4) "Personal wireless services" means commercial mobile
2 services, unlicensed wireless services, and common carrier wireless
3 exchange access services, as defined by federal laws and regulations.

4 (5) "Right-of-way" means land acquired or dedicated for public
5 roads and streets, but does not include:

6 (a) State highways;

7 (b) Land dedicated for roads, streets, and highways not opened
8 and not improved for motor vehicle use by the public;

9 (c) Structures, including poles and conduits, located within the
10 right-of-way;

11 (d) Federally granted trust lands or forest board trust lands;

12 (e) Lands owned or managed by the state parks and recreation
13 commission; or

14 (f) Federally granted railroad rights-of-way acquired under 43
15 U.S.C. Sec. 912 and related provisions of federal law that are not
16 open for motor vehicle use.

17 (6) "Service provider" means every corporation, company,
18 association, joint stock association, firm, partnership, person,
19 city, or town owning, operating, or managing any facilities used to
20 provide and providing telecommunications or cable television service
21 for hire, sale, or resale to the general public. Service provider
22 includes the legal successor to any such corporation, company,
23 association, joint stock association, firm, partnership, person,
24 city, or town.

25 (7) "Telecommunications service" means the transmission of
26 information by wire, radio, optical cable, electromagnetic, or other
27 similar means for hire, sale, or resale to the general public. For
28 the purpose of this subsection, "information" means knowledge or
29 intelligence represented by any form of writing, signs, signals,
30 pictures, sounds, or any other symbols. For the purpose of this
31 chapter, telecommunications service excludes the over-the-air
32 transmission of broadcast television or broadcast radio signals.

33 (8) "Themed district" means a delineated area of a city or town
34 with a commonality of architectural elements and infrastructure
35 reflecting the city or town's history, origins, or an artistic or
36 place-based theme. The boundaries of a themed district must be
37 clearly delineated in the city or town's comprehensive plan and
38 implementing ordinance or as an overlay on the city or town's zoning
39 map.

1 (9) "Use permit" means the authorization in whatever form whereby
2 a city or town may grant permission to a service provider to enter
3 and use the specified right-of-way for the purpose of installing,
4 maintaining, repairing, or removing identified facilities."

5 Renumber the remaining sections consecutively and correct any
6 internal references accordingly.

7 On page 8, line 4 of the amendment, after "of this act." insert
8 "No concealment, stealth, or aesthetic standards may be required
9 through a use permit, except as follows: A city or town may adopt
10 feasible, reasonable, objective aesthetic standards on a
11 nondiscriminatory basis, including for locations in a designated
12 historic district or themed district. However, that application of
13 such standards does not have the effect of prohibiting any small cell
14 installation meeting the volumetric standards in RCW 80.36.375(2).
15 Further, no permits other than those listed in section 107 of this
16 act are required."

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17 On page 46, line 32 of the title amendment, after "35.21.860,"
18 insert "35.99.010,"

EFFECT: Adds a definition for "themed district." Allows
concealment, stealth, or aesthetic standards where a city or town has
adopted feasible, reasonable, and objective aesthetic standards for a
designated historic or themed district.

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