

SENATE BILL REPORT

ESHB 1198

AS REPORTED BY COMMITTEE ON ENERGY & UTILITIES, APRIL 5, 1991

Brief Description: Regulating the placement of electrical facilities.

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

HOUSE COMMITTEE ON LOCAL GOVERNMENT

SENATE COMMITTEE ON ENERGY & UTILITIES

Majority Report: Do pass as amended.

Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland, and Williams.

Staff: Dave Monthie (786-7198)

Hearing Dates: April 4, 1991; April 5, 1991

BACKGROUND:

The legislative authority of a city or town may authorize the construction, maintenance and operation of electrical power transmission lines, and related poles and wires, upon, over, along, and across the city's or town's streets.

The legislative authority of a county may similarly authorize the construction, maintenance and operation of electrical power transmission lines, and related poles and wires, upon, over, along, and across the county's roads. The county legislative authority must hold a hearing on any proposal for such use of its roads. The law requires posting notices of the hearing in the county seat and in at least one conspicuous place on the road, and publishing notices in the official county newspaper.

Any person or corporation constructing the crossing or operating the transmission line on or along a county road is liable to the county for all necessary expenses incurred in restoring the county road to a suitable condition for travel.

Counties, cities, and towns are generally authorized to plan and zone.

SUMMARY:

The authority to grant a franchise for electrical transmission lines on a right-of-way is expanded to include placing such lines under the right-of-way.

A city or town legislative authority must hold a hearing on the proposal to grant a franchise for locating electrical transmission lines on the city's or town's streets, in the same manner as a county legislative authority must hold a hearing on the proposal to grant a franchise for locating electrical transmission lines on the county's roads. Notice of such a hearing must be posted conspicuously on the road or street where the use of the right-of-way is being requested, with at least one posted notice for each mile of the road or street. The posting requirement does not apply to a hearing on the renewal of a franchise nor a grant of franchise on all the roads or streets in a county, city, or town.

Any person or corporation constructing the crossing or operating the transmission line on or along a city or town street shall be liable to the city or town for all necessary expenses incurred in restoring the street to a suitable condition for travel, in the same manner as is required for restoring county roads to a suitable condition for travel.

An electrical substation may be located within a city or town only if a special or conditional use permit has been granted by the city or town for the substation. An electrical substation may be located within the unincorporated area of a county only if a special or conditional use permit has been granted by the county for the substation. A public hearing on the proposed location of a substation must be held by the county legislative authority or, city or town council, with notice being posted at least five conspicuous places near the proposed location for the electrical substation.

Appropriation: none

Revenue: none

Fiscal Note: none requested

SUMMARY OF PROPOSED SENATE AMENDMENT:

The provisions regarding permits and hearings for electrical assistance do not apply to areas zoned by cities, towns, or counties as exclusively heavy industrial as defined by their zoning code or ordinance. Technical changes are made to correct a reference to the proper local governmental entity.

TESTIMONY FOR:

Members of the public will have a higher degree of confidence regarding the siting of new transmission lines and new electrical substations if they are provided notice and a public hearing on such proposals.

TESTIMONY AGAINST:

Additional hearings may not be necessary if the SEPA process is invoked and utilized.

TESTIFIED: Representative Lorraine Hine, original sponsor (pro);
Gary Kalich, Lewis PUD; Virginia Wilhelmi, CAOPL (pro)