
SECOND ENGROSSED 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 posting)) as follows: (1) Except
12 in cases where the legislative authority of a county, city, or town is
13 renewing a grant previously made or where the applicant has applied for
14 a grant of authority for all roads or streets within the county, city,
15 or town, written or printed notices ((in three public places in the
16 county seat of the county, and in at least one conspicuous place))
17 shall be posted conspicuously on the road or street or part thereof,
18 for which application is made, with at least one posted notice for each
19 one mile of such road or street or part for which application is made,
20 at least fifteen days before the day fixed for such hearing((7)); and
21 ((by publishing)) (2) a like notice shall be published once a week for
22 two consecutive weeks in the official city, town, or county newspaper,
23 the last publication to be at least five days before the day fixed for
24 the hearing((, which)). Notices shall state the name or names of the
25 applicant or applicants, a description of the roads or streets or parts
26 thereof for which the application is made, and the time and place fixed
27 for the hearing.

28 The hearing may be adjourned from time to time by order of the
29 county, city, or town legislative authority. If after such hearing the
30 county, city, or town legislative authority shall deem it to be for the

1 public interest to grant the authority in whole or in part, it may make
2 and enter the proper order granting the authority applied for or such
3 part thereof as it deems to be for the public interest, and shall
4 require the transmission line and its appurtenances to be placed in
5 such location on or along the road or street as it finds will cause the
6 least interference with other uses of the road or street. In case any
7 such transmission line is or shall be located in part on private right
8 of way, the owner thereof shall have the right to construct and operate
9 the same across any ((county)) road or ((county)) street which
10 intersects the private right of way, if the crossing is so constructed
11 and maintained as to do no unnecessary damage(~~(:—PROVIDED, That))~~).

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

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

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

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

1 This section shall not apply to areas zoned by a city or town as
2 exclusively heavy industrial, as defined under the city or town zoning
3 code or ordinance.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.32 RCW
5 to read as follows:

6 An electrical substation may be located in the unincorporated area
7 of a county only if a special or conditional use permit for the
8 electrical substation has been issued by the county. The issuance of
9 such a permit may be conditioned upon requirements and terms
10 established by the county.

11 A public hearing on a proposed electrical substation shall be held
12 by the county legislative authority, with notice being posted in at
13 least five conspicuous places near the proposed location for the
14 electrical substation.

15 This section shall not apply to areas zoned by a county as
16 exclusively heavy industrial, as defined under the county zoning code
17 or ordinance.