

HOUSE BILL REPORT

ESHB 1198

*As Passed House
March 15, 1991*

Title: An act relating to the location of electrical facilities.

Brief Description: Regulating the placement of electrical facilities.

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

Brief History:

Reported by House Committee on:
Local Government, March 6, 1991, DPS;
House Second Reading, March 12, 1991;
Passed House, March 15, 1991, 98-0.

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *That Substitute House Bill No. 1198 be substituted therefor, and the substitute bill do pass.* Signed by 10 members: Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Franklin; Nealey; Nelson; Rayburn; and Roland.

Minority Report: *Do not pass.* Signed by 5 members: Representatives Edmondson; Horn; Wood; Wynne; and Zellinsky.

Staff: Steve Lundin (786-7127).

Background: The legislative authority of a city or town may grant the authority for 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 grant the authority for 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 a

proposal for such use of its roads. Provisions are made for posting notices on the hearing in the county seat, posting notices 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 shall be 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 authorized to plan and zone.

Summary of Bill: It is clarified that a grant of franchise to locate an electrical transmission line on a right-of-way includes 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 the hearing by a county, city or town legislative authority on the granting of such a franchise must be posted conspicuously on the road or street which is sought for the franchise, with at least one posted notice for each mile of the road or street that is sought for the franchise. This 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.

Fiscal Note: Not requested.

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

Testimony For: People should be notified about electrical lines going in. There are some health concerns. This language was worked out last year with utility people to avoid opposition. At present most substations are located by a conditional use permit.

Testimony Against: We oppose this bill. This adds requirements.

Witnesses: Representative Hine, Prime Sponsor (pro); and Terry Oxley, Puget Power (con).