

HOUSE BILL 1198

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Hine, G. Fisher, Holland, Forner, Prentice, Spanel, Valle, Heavey, R. Johnson and Leonard.

Read first time January 23, 1991. Referred to Committee on Local Government.

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 road or street is situated, may
11 grant authority for the construction, maintenance and operation of
12 transmission lines for transmitting electric power, together with
13 poles, wires and other appurtenances, upon, over, under, along, and
14 across any such public street or road, and in granting this authority
15 the legislative authority of the city or town, or the county

1 legislative authority, as the case may be, may prescribe the terms and
2 conditions on which the transmission line and its appurtenances, shall
3 be constructed, maintained and operated upon, over, under, along, and
4 across the road or street, and the grade or elevation at which the same
5 shall be constructed, maintained and operated(~~(:—PROVIDED, That)~~).

6 On application being made to the county, city, or town legislative
7 authority, for such authority, the county, city, or town legislative
8 authority shall fix a time and place for hearing the same, and shall
9 cause (~~the county auditor to give~~) public notice thereof to be given
10 at the expense of the applicant, by: (1) Posting written or printed
11 notices (~~in three public places in the county seat of the county, and~~
12 ~~in at least one conspicuous place~~) conspicuously on the road or street
13 or part thereof, for which application is made, with at least one
14 posted notice for each one mile of such road or street or part for
15 which application is made, at least fifteen days before the day fixed
16 for such hearing(~~(7)~~); and (2) by publishing a like notice once a week
17 for two consecutive weeks in the official city, town, or county
18 newspaper, the last publication to be at least five days before the day
19 fixed for the hearing(~~(7, which)~~). Notices shall state the name or
20 names of the applicant or applicants, a description of the roads or
21 streets or parts thereof for which the application is made, and the
22 time and place fixed for the hearing.

23 The hearing may be adjourned from time to time by order of the
24 county, city, or town legislative authority. If after such hearing the
25 county, city, or town legislative authority shall deem it to be for the
26 public interest to grant the authority in whole or in part, it may make
27 and enter the proper order granting the authority applied for or such
28 part thereof as it deems to be for the public interest, and shall
29 require the transmission line and its appurtenances to be placed in
30 such location on or along the road or street as it finds will cause the

1 least interference with other uses of the road or street. In case any
2 such transmission line is or shall be located in part on private right
3 of way, the owner thereof shall have the right to construct and operate
4 the same across any ((county)) road or ((county)) street which
5 intersects the private right of way, if the crossing is so constructed
6 and maintained as to do no unnecessary damage(~~(:—PROVIDED, That))~~).

7 Any person or corporation constructing the crossing or operating
8 the transmission line on or along the ((county)) road or ((county))
9 street shall be liable to the county, city, or town for all necessary
10 expense incurred in restoring the ((county)) road or ((county)) street
11 to a suitable condition for travel.

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

14 An electrical substation may be located in a city or town only if
15 a special or conditional use permit for the electrical substation has
16 been issued by the city or town. The issuance of such a permit may be
17 conditioned upon requirements and terms established by the city or
18 town.

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

23 NEW SECTION. Sec. 3. A new section is added to chapter 36.32 RCW
24 to read as follows:

25 An electrical substation may be located in the unincorporated area
26 of a county only if a special or conditional use permit for the
27 electrical substation has been issued by the county. The issuance of

1 such a permit may be conditioned upon requirements and terms
2 established by the city or town.

3 A public hearing on a proposed electrical substation shall be held
4 by the county legislative authority, with notice being posted in at
5 least five conspicuous places near the proposed location for the
6 electrical substation.