
HOUSE BILL 1005

State of Washington

57th Legislature

2001 Regular Session

By Representatives Morris and Lantz

Read first time 01/08/2001. Referred to Committee on Technology,
Telecommunications & Energy.

1 AN ACT Relating to public utility rights-of-way on aquatic lands;
2 amending RCW 79.90.470; and creating new sections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that local public
5 utilities provide essential service to all of the residents of the
6 state and that the construction and improvement of local utility
7 infrastructure is critical to the public health, safety, and welfare,
8 community and economic development, and installation of modern and
9 reliable communication and energy technology. The legislature further
10 finds that local utility lines must cross state-owned aquatic lands in
11 order to reach all state residents and that, for the benefit of such
12 residents, the state should permit such crossings, consistent with all
13 applicable state environmental laws, in a nondiscriminatory, economic,
14 and timely manner.

15 **Sec. 2.** RCW 79.90.470 and 1984 c 221 s 5 are each amended to read
16 as follows:

17 (1) The use of state-owned aquatic lands for public utility lines
18 owned by a governmental entity shall be granted without charge by an

1 agreement, permit, or other instrument if the use is consistent with
2 the purposes of RCW 79.90.450 through 79.90.460 and does not obstruct
3 navigation or other public uses. Use for public parks or public
4 recreation purposes shall be granted without charge if the aquatic
5 lands and improvements are available to the general public on a first-
6 come, first-served basis and are not managed to produce a profit for
7 the operator or a concessionaire. The department may lease state-owned
8 tidelands that are in front of state parks only with the approval of
9 the state parks and recreation commission. The department may lease
10 bedlands in front of state parks only after the department has
11 consulted with the state parks and recreation commission.

12 (2) The use of state-owned aquatic lands for local public utility
13 lines owned by a nongovernmental entity shall be granted by easement if
14 the use is consistent with the purpose of RCW 79.90.450 through
15 79.90.460 and does not obstruct navigation or other public uses. The
16 total charge for the term of the easement shall be the larger of (a) an
17 amount equal to the diminution in the property value caused by locating
18 the utility lines on the aquatic land, based on the appraised value of
19 the land in its current use at the time of application for the
20 easement, or (b) five thousand dollars. The charge shall be paid in
21 advance upon grant of the easement. The term of the easement shall be
22 thirty years. In addition to the charge for the easement, the
23 department may charge a fee that recovers its actual administrative
24 expenses directly incurred in receiving an application for the
25 easement, approving the easement, and reviewing plans for and
26 construction of the utility lines. A final decision on existing
27 applications for easement shall be made within one hundred twenty days.
28 Upon request of the applicant, the department may reach a decision on
29 an application within sixty days and charge an additional fee for such
30 an expedited processing in the amount of ten percent of the total rent.

31 NEW SECTION. Sec. 3. The utilities and aquatic lands task force
32 is created. The task force is composed of the following: Two members
33 of the house of representatives, one from each major caucus, appointed
34 by the co-speakers of the house of representatives; two members of the
35 senate, one from each major caucus, appointed by the president of the
36 senate; two members from the department of natural resources; one
37 member from nonprofit electric utilities; and one member from investor-
38 owned electric utilities.

1 The utilities and aquatic lands task force shall study charges made
2 for the lease or easement of aquatic lands for local public utility
3 lines, and, by July 1, 2002, must recommend to the legislature any
4 changes from current practice found appropriate.

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