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**Technology, Telecommunications  
& Energy Committee**

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**SB 5632**

**Brief Description:** Regarding utility relocation costs.

**Sponsors:** Senators Esser, Fairley, Schmidt, Prentice, Horn and Rossi.

**Brief Summary of Bill**

- Requires that costs to relocate a utility's facilities incurred as a result of construction of a transit authority rail system be paid by the transit authority.

**Hearing Date:** 3/26/03

**Staff:** Pam Madson (786-7166).

**Background:**

In 1992 the Legislature authorized the creation of a regional transit authority for contiguous counties with a population of over 400,000. In 1993 the county councils of King, Pierce and Snohomish counties voted to form a regional transit authority. The authority is charged with implementing a high capacity transportation system and developing revenues to support the system. This central Puget Sound regional transit authority is known as Sound Transit.

In 1996 voters within the boundaries of Sound Transit approved a plan and local option taxes to support the plan. Implementation of the plan includes construction of a light rail system. This construction will require the removal and relocation of various utility facilities located along the rail line. Sound Transit is currently in negotiations with various utilities on the issue of relocation of facilities.

Historically, when improvements to a public right-of-way required the displacement of telecommunications equipment, telecommunications companies paid the expense of relocation. A county, in granting a franchise for use by a utility of a county road right-of-way, may require that any relocation reasonably necessary for construction, alteration or improvement must be paid by the utility. In 2000 the Legislature allowed utilities under certain circumstances to seek reimbursement from a city when the utility's facilities are required to be relocated. Utilities may seek reimbursement when aerial facilities

are being relocated underground, when the utility has paid for relocation of the same facilities within the last five years, or when the city was seeking relocation for aesthetic reasons. The Department of Transportation may also reimburse a utility for relocation costs under certain circumstances.

**Summary of Bill:**

In the case of a regional transit authority, the costs of removing or relocating utility facilities that result from construction, alteration, repair or improvement of the transit authority's rail system must be included in the cost of the system and must be paid by the authority. However, the cost of any upgrades to a utility's existing facilities undertaken by the utility are paid by the utility.

In order to minimize costs and disruption to service, the transit authority and the utility must negotiate over design, engineering and route selection of the system. "Utility facilities" subject to these relocation provisions include cable television, gas, electric and telecommunications facilities.

Disputes over costs may be submitted to an independent auditor agreed to by the parties. The auditor will determine if costs are accurate. The party requesting the audit is responsible for paying the cost of the audit. The auditor's decision is final.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.