

FINAL BILL REPORT

SB 5632

FULL VETO As Passed Legislature

Brief Description: Regarding utility relocation costs.

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

Senate Committee on Technology & Communications
House Committee on Technology, Telecommunications & Energy

Background: In 1993, the King, Pierce, and Snohomish county councils formed a regional transit authority, now known as Sound Transit. The authority is charged with implementing a high capacity transportation system and developing revenues to support the system.

In 1996, voters within the boundaries of Sound Transit approved a regional transit plan that includes construction of a light rail system. This construction will require the relocation of various utility facilities along the rail line.

Under the common law, when improvements to a public right-of-way require the displacement of a utility's facilities, the utility must pay for the relocation. This general rule, however, may be modified by state or local governments. For example, under a statute enacted in 2000, a telecommunications company may seek reimbursement from a city or town when aerial facilities are being relocated underground, when the company has paid for relocation of the same facilities within the last five years, or when the city is seeking relocation for aesthetic reasons.

Summary: In the case of a regional transit authority, the costs of removing or relocating utility facilities that result from the construction, alteration, repair, or improvement of a rail fixed guideway system must be included in the cost of the system and must be paid by the authority. However, if a utility takes advantage of a relocation to upgrade its own facilities, it must pay the additional costs of the upgrade.

The transit authority and an affected utility must negotiate the engineering, design, and route selection of the system to minimize the cost and disruption of services related to the relocation.

Disputes over the cost of the relocation must be submitted to an independent auditor chosen by the disputing parties. The auditor's fee must be paid by the party requesting the audit. The auditor's decision is final.

Votes on Final Passage:

Senate	32 17
House	76 18

