
SENATE BILL 5656

State of Washington

58th Legislature

2003 Regular Session

By Senators Stevens, Reardon, Esser, Doumit, Finkbeiner, T. Sheldon, Schmidt and Oke

Read first time 02/05/2003. Referred to Committee on Technology & Communications.

1 AN ACT Relating to allowing for the limited use of new methods to
2 locate utility rights of way on state lands and forest lands; and
3 amending RCW 79.01.384, 79.01.388, and 79.01.392.

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

5 **Sec. 1.** RCW 79.01.384 and 1982 1st ex.s. c 21 s 172 are each
6 amended to read as follows:

7 A right of way through, over, and across any state lands or state
8 forest lands, may be granted to any municipal or private corporation,
9 company, association, individual, or the United States of America,
10 constructing or proposing to construct, or which has heretofore
11 constructed, (~~any~~) a facility such as a telephone line, ditch, flume,
12 or pipe line for the domestic water supply of any municipal corporation
13 or transmission line for the purpose of generating or transmitting
14 electricity for light, heat, or power.

15 **Sec. 2.** RCW 79.01.388 and 1961 c 73 s 7 are each amended to read
16 as follows:

17 (1) In order to obtain the benefits of the grant made in RCW
18 79.01.384, the municipal or private corporation or company,

1 association, individual, or the United States of America, constructing
2 or proposing to construct, or which has heretofore constructed, a
3 facility such as a telephone line, ditch, flume, pipe line or
4 transmission line, shall file, with the commissioner of public lands,
5 one of the following:

6 (a) Engineering drawings with field notes that show the proposed
7 alignment of the facility in relation to existing geographical
8 reference points if the proposed alignment parallels or is near
9 established geographical reference points, such as roadways, property
10 lines, or existing infrastructure improvements; or

11 (b) A map, accompanied by the field notes of ((the)) a survey and
12 location of ((such telephone line, ditch, flume, pipe line or
13 transmission line, and)) the facility.

14 (2) An as-built survey shall be filed for any portion of a project
15 that deviates from the original alignment.

16 (3) An applicant obtaining a grant shall make payment therefor as
17 provided in RCW 79.01.392 and subsection (4) of this section.

18 (4) The land within the right of way shall be limited to an amount
19 necessary ((for the construction of said telephone line, ditch, flume,
20 pipe line or transmission line sufficient for the purposes required,
21 together with sufficient land on either side thereof for ingress and
22 egress to maintain and repair the same, and)) to house the proposed

23 facility. Construction and maintenance easements shall be calculated
24 separately and shall be limited to the specific time frames needed for
25 construction and maintenance of the facility. The grant shall include
26 the right to cut all standing timber, and/or reproduction within said
27 right of way. The grant shall also include the right to cut trees
28 marked as danger trees by the applicant outside of the right of way,
29 which shall be dangerous to the operation and maintenance of the
30 ((telephone line, ditch, flume, pipe line or transmission line))
31 facility upon full payment of the appraised value thereof.

32 **Sec. 3.** RCW 79.01.392 and 2001 c 250 s 13 are each amended to read
33 as follows:

34 Upon the filing of the ((~~plat and field notes~~)) documents, as
35 provided in RCW 79.01.388, the land applied for and the valuable
36 materials on the right of way applied for, and the marked danger trees
37 to be felled off the right of way, if any, and the improvements

1 included in the right of way applied for, if any, shall be appraised as
2 in the case of an application to purchase state lands. Upon full
3 payment of the appraised value of the land applied for, or upon payment
4 of an annual rental when the department of natural resources deems a
5 rental to be in the best interests of the state, and upon full payment
6 of the appraised value of the valuable materials and improvements, if
7 any, the commissioner of public lands shall issue to the applicant a
8 certificate of the grant of such right of way stating the terms and
9 conditions thereof and shall enter the same in the abstracts and
10 records in his or her office, and thereafter any sale or lease of the
11 lands affected by such right of way shall be subject to the easement of
12 such right of way. Should the corporation, company, association,
13 individual, state agency, political subdivision of the state, or the
14 United States of America, securing such right of way ever abandon the
15 use of the same for a period of sixty months or longer for the purposes
16 for which it was granted, the right of way shall revert to the state,
17 or the state's grantee.

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