

CERTIFICATION OF ENROLLMENT

SENATE BILL 5632

58th Legislature
2003 Regular Session

Passed by the Senate March 18, 2003
YEAS 32 NAYS 17

President of the Senate

Passed by the House April 10, 2003
YEAS 76 NAYS 18

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SENATE BILL 5632 as passed by the
Senate and the House of
Representatives on the dates
hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5632

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By Senators Esser, Fairley, Schmidt, Prentice, Horn and Rossi

Read first time 02/03/2003. Referred to Committee on Technology & Communications.

1 AN ACT Relating to utility relocation costs; and amending RCW
2 81.112.100.

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

4 **Sec. 1.** RCW 81.112.100 and 1992 c 101 s 10 are each amended to
5 read as follows:

6 (1) An authority shall have and exercise all rights with respect to
7 the construction, acquisition, maintenance, operation, extension,
8 alteration, repair, control and management of high capacity
9 transportation system facilities that are identified in the system plan
10 developed pursuant to RCW 81.104.100 that any city, county, county
11 transportation authority, metropolitan municipal corporation, or public
12 transportation benefit area within the authority boundary has been
13 previously empowered to exercise and such powers shall not thereafter
14 be exercised by such agencies without the consent of the authority.
15 Nothing in this chapter shall restrict development, construction, or
16 operation of a personal rapid transit system by a city or county.

17 (2) If utility facilities must be removed or relocated as a result
18 of the construction, alteration, repair, or improvement of a rail fixed
19 guideway system as defined in RCW 81.104.015, the costs of the removal

1 or relocation must be included in the costs of the system and paid by
2 the authority. However, any additional costs associated with the
3 upgrade of any existing utility facility that the utility elects to
4 undertake must be paid by the utility. The authority and each affected
5 utility shall negotiate on the engineering, design, and route selection
6 of the system in order to minimize cost and disruption of services
7 related to relocation of utility facilities. For purposes of this
8 subsection, "utility facilities" include, but are not limited to, cable
9 television, gas, electric, and telecommunications facilities.

10 (3) If there is a dispute over costs, the costs will be submitted
11 to an independent auditor agreed to by the parties. That auditor will
12 determine if the costs were accurate and the auditor's decision will be
13 final. The cost of the auditor must be paid by the party requesting
14 the audit.

15 (4) An authority may adopt, in whole or in part, and may complete,
16 modify, or terminate any planning, environmental review, or procurement
17 processes related to the high capacity transportation system that had
18 been commenced by a joint regional policy committee or a city, county,
19 county transportation authority, metropolitan municipality, or public
20 transportation benefit area prior to the formation of the authority.

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