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**ENGROSSED HOUSE BILL 1499**

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**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** Representatives Eddy, Hudgins, Springer, Anderson, Herrera, Haler, Hasegawa, McCune, and Crouse

Read first time 01/22/09. Referred to Committee on Technology, Energy & Communications.

1       AN ACT Relating to notice of relocation of utility facilities; and  
2 adding a new section to chapter 80.04 RCW.

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

4       NEW SECTION. **Sec. 1.** A new section is added to chapter 80.04 RCW  
5 to read as follows:

6       (1) If a public agency is planning a project that may require a  
7 utility facility operator to relocate its utility facilities in or  
8 along the right-of-way, the public agency shall notify each affected  
9 utility facility operator as soon as is practicable and include the  
10 affected utility facility operator in a preliminary design meeting  
11 during the design phase. The notice must provide information  
12 concerning: (a) The proposed project design; and (b) proposed dates of  
13 any required utility facility relocations.

14       (2) During the preliminary design meeting, public agencies and  
15 affected utility facility operators shall review the impact of any  
16 proposed utility facility relocation and make reasonable efforts to  
17 avoid or minimize:

18       (a) Factors which could cause delay of the project;

1 (b) Relocation of existing utility facilities and associated costs;  
2 and

3 (c) Costs to public agencies.

4 (3) This section does not preempt specific provisions in existing  
5 franchises, permits, or contracts between public agencies and utility  
6 facility operators.

7 (4) This section does not apply to the relocation of utility  
8 facilities in the event of an unforeseen emergency that creates an  
9 immediate threat to the public safety, health, or welfare.

10 (5) The definitions in this subsection apply throughout this  
11 section unless the context clearly requires otherwise.

12 (a) "Public agency" means the state, county, city, or any political  
13 subdivision of the state, which maintains ownership or control of the  
14 right-of-way.

15 (b) "Utility facility" means any privately, publicly, or  
16 cooperatively owned equipment, facilities, or system for producing,  
17 transmitting, or distributing communications, cable television, power,  
18 electricity, gas, hazardous liquids, water, steam, or waste.

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