

SB 1566 A STAFF MEASURE SUMMARY**Carrier:** Sen. Findley**Joint Committee On Transportation****Action Date:** 02/20/24**Action:** Do pass with amendments. (Printed A-Eng.)**Senate Vote****Yeas:** 4 - Boquist, Findley, Frederick, Gorsek**Exc:** 1 - Woods**House Vote****Yeas:** 5 - Evans, Mannix, McLain, Nathanson, Pham K**Nays:** 1 - Reschke**Exc:** 1 - Boshart Davis**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** Patrick Brennan, LPRO Analyst**Meeting Dates:** 2/8, 2/20**WHAT THE MEASURE DOES:**

This measure authorizes a county governing board to require a permit to perform certain types of utility work within the right of way of a county road and assess a fee for the permit. The measure limits the fee to \$500 for each permit and specifies that the fee may not exceed the county's cost of issuing the permit; the measure also provides for annual increases in the fee. The measure's provisions are scheduled to sunset in six years to provide an opportunity to analyze the efficacy of the program.

Detailed Summary: Stipulates that a person who wants to construct, alter, relocate, maintain, as well as repair a water, gas, electric or communication service line, fixture, or other facility within the right of way of a county road is responsible for applying for any permit and paying any fee required by the governing body. Authorizes a county governing body to require a permit for such activities and may charge a fee of up to \$500 for the permit, except for specified activities. Directs the county to issue or deny the permit within 15 business days of application. Provides for annual increase in fees of the lesser of five percent or the percentage increase based on the Consumer Price Index, provided the fee is not greater than necessary to recover cost of administration, issuance, and enforcement. Specifies that nothing in the measure allows assessment of a franchise fee or privilege tax, nor does it prohibit a county from entering into a franchise agreement for utility access to a right of way. Becomes operative January 1, 2025. Sunsets January 2, 2031. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Lengthy history of issue
- Measure is product of work group
- Types of projects to be exempted
- Most common types of projects that would be subject to fee
- Impact of utility work on flow of traffic
- Not intended to be a source of funding for counties

EFFECT OF AMENDMENT:

Replaces original measure.

BACKGROUND:

Transportation networks and utility networks often share similar pathways, particularly through more rural areas. As both types of networks grow, there are opportunities for each to use a common right of way. However,

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because transportation networks and those for electric, water, and telecommunications utilities utilize the shared space differently, problems can arise due to construction, maintenance and operations of the various users of the shared right of way. Fixtures, lines, and other facilities owned by utilities can, in certain circumstances, materially affect the safe operation and maintenance of highways; in other circumstances, work on utility facilities can require limiting capacity of a road segment or closing the road to traffic completely while work is performed.

Senate Bill 1566 A authorizes a county governing board to require a permit to perform certain types of utility work within the right of way of a county road and assess a fee for the permit. The measure limits the fee to \$500 for each permit and specifies that the fee may not exceed the county's cost of issuing the permit; the measure also provides for annual increases in the fee. The provisions of the measure are scheduled to sunset in six years to provide an opportunity to analyze the efficacy of the program.