

## **SB 1566 -3, -4 STAFF MEASURE SUMMARY**

### **Joint Committee On Transportation**

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**Prepared By:** Patrick Brennan, LPRO Analyst

**Meeting Dates:** 2/8

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#### **WHAT THE MEASURE DOES:**

This measure lets counties charge a fee for work on water, sewer, power, and other types of infrastructure in road rights of way under the county's control.

Detailed Summary: Allows a county governing body to require a permit to construct, alter, relocate, maintain, or repair utility service lines, fixtures, or facilities, within a public road right of way. Creates exceptions for vegetation management, routine replacement or maintenance required by the Public Utility Commission, for certain specified maintenance projects, relocation of infrastructure required by the county, or when urgent work is necessary to protect public health and safety. Sets maximum fee for permit at \$500 and provides for annual increases of up to five percent, based on Consumer Price Index. Sunsets January 1, 2031. Declares emergency, effective on passage:

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

-3 Modifies list of exempted projects to include stormwater facilities and pumping facilities.

-4 Defines terms "occupant," "operator," and "owner." Specifies that occupants, operators, and owners are responsible to apply and pay for right of way permits. Defines "emergency and urgent work." Expands list of projects for which permits may not be required. Specifies measure does not apply to lines, fixtures or facilities governed by an existing memorialized understanding or franchise agreement and that the measure does not prohibit counties from entering into memorialized understandings or franchise agreements. Stipulates that provisions of measure may not be construed to allow a county governing body to assess franchise fees or privilege taxes on persons for the use of county public road right of way.

##### **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, 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.