



## San Juan County Public Works Department

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### UTILITY FRANCHISE REGULATIONS OVERVIEW

#### **RCW 19.122** Underground utilities - Locator Services

##### **19.122.020** Definitions

- "End user" means any utility customer or consumer of utility services or commodities provided by a facility operator.
- "Facility operator" means any person who owns an underground facility or is in the business of supplying any utility service or commodity for compensation. "Facility operator" does not include a utility customer who owns a service lateral that terminates at a facility operator's main utility line.
- "Identified but unlocatable underground facility" means an underground facility which has been identified but cannot be located with reasonable accuracy.
- "Service lateral" means an underground water, stormwater, or sewer facility located in a public right-of-way or utility easement that connects an end user's building or property to a facility operator's underground facility, and terminates beyond the public right-of-way or utility easement.
- "Underground facility" means any item buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or telegraphic communications, cablevision, electric energy, petroleum products, gas, gaseous vapors, hazardous liquids, or other substances and including but not limited to pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those parts of poles or anchors that are below ground. This definition does not include pipelines as defined in subsection (21) of this section, but does include distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail.

#### **RCW 47.44** Franchises on State Highways

#### **RCW 80** Public Utilities – (counties may grant franchises)

#### **RCW 36.55** Franchises on Roads and Bridges

#### **WAC 136-40** Accommodation of Utilities on County Roads

The county road administration board shall, upon request, provide any county a copy of a model utility policy. The model utility policy will meet the minimum requirements of this chapter and may be amended as necessary to meet the specific needs of a county.

#### **SAN JUAN COUNTY CODE (SJCC)**

##### **SJCC 2.53** – HOME RULE CHARTER, Emergency Ordinances – Limitations

No emergency ordinance may levy taxes, grant, renew or extend a franchise, regulate the rate charged by any utility or authorize the borrowing of money for more than one hundred and twenty (120) days.

# UTILITY FRANCHISE REGULATIONS OVERVIEW

## **SJCC 8.06.240** Design report approval for Group B water systems

- 6. A system design that complies with the requirements under WAC 246-291-200 including, but not limited to:
  - Drawings of each project component, including: i. Location; ii. Orientation; iii. Size; and
  - iv. Easements for:
    - Future access and maintenance of distribution system pipelines located on private property, or franchise agreements necessary for distribution system pipelines located within public right-of-way;

## **SJCC 12.04** County Road Excavations – (Permit Required)

### **SJCC 12.16** Accommodation of Utilities on County Road Right-of-Way

#### **SJCC 12.16.110** Application

- A. This policy shall apply to all franchises and permits issued pursuant to RCW 80.32.010, 80.36.040 and Chapter 36.55 RCW, to all public and private utilities, and to all installation and relocation of utilities within the County road right-of-way, including but not limited to electric power, telephone, television, telegraph, communication, water, gas, all petroleum products, steam, chemicals, sewage, drainage, irrigation and similar pipes, lines or cables.

#### **SJCC 12.16.130** Definitions

- “Franchise” means an occupancy and use document granted by the County required for occupancy of road rights-of-way in accordance with Chapters [36.55](#) and [80.32](#) RCW.
- “Permit” means a document issued under the authority of (1) the County engineer (or public works director) and/or (2) a franchise granted by the County’s legislative authority. The permit provides specific requirements and conditions for specific utility work at specific locations within the right-of-way.
- “Permittee” means any person or legal entity who has applied for or been granted a utility installation permit and any successors and assignees of the legal rights of such person or entity affected by such a permit.
- “Private lines” means privately owned, operated and maintained utility facilities devoted exclusively to the use of the owner.

#### **SJCC 12.16.140** General conditions and requirements.

- B. 4. Granting of a franchise or permit shall not imply or be construed to mean the County shall be responsible for the design, construction, or operation of the facility or for public safety during the facility’s installation, operation or maintenance.
- D. 1. Existing underground **utilities** on County road right-of-way may be removed or relocated when road work funded by the County would disturb the existing underground utility. All such removal or relocation shall be at the sole expense of the owning **utility**, and all work must be accomplished by the same permitting process as for new installations.

#### **SJCC 12.16.150** Permits

- General Requirements.
  1. A written permit will be required for occupancy of road right-of-way by all utility facilities, including private lines. No facility shall be used for other than the purpose stated, unless written approval is granted by the County.
  5. All utility work within County road right-of-way, unless otherwise authorized by a franchisee, requires a written permit.

# UTILITY FRANCHISE REGULATIONS OVERVIEW

## **SJCC 18.20** Definitions

- “Infrastructure” means existing installed facilities and services including capital facilities such as water supply, sewage disposal, and storm drainage systems, and transportation facilities such as public roads.
- “Permittee” means the entity to whom a permit is granted.
- “Public facilities” means facilities which serve the general public including streets, roads, ferries, sidewalks, street and road lighting systems, traffic signals, community water systems, community sewage treatment systems, storm sewer systems, parks and recreational facilities, and public schools.
- “Road” means an improved and maintained public or private right-of-way which provides vehicular access to abutting properties, and which may also include provision for public utilities, pedestrian access, cut and fill slopes, and drainage.
- “Utilities” means facilities serving the public through a network of wires or pipes, and ancillary structures thereto, including systems for the delivery of natural gas, electricity, cable TV, and telecommunications services.
- “Utility facilities” means facilities directly used for the distribution or transmission of electricity, cable TV, or landline telecommunications and public or community water service to an area, excluding utility service offices. A utility facility may support a joint use wireless facility.

## **Ordinance 46-2009** : “fees should be collected for specialized services”

- “ROW Permit” For temporary use of County Road Right of Way
- “Utility Installation permit” Use of County ROW for permanent installation of power, water, sewer, telecommunications, etc.
- “Parallel Trenching Permit” Use of County ROW for permanent installation of power, water, sewer, telecommunications, etc. Structures
- “Utility Franchise” Use of County ROW for permanent installation of power, water, sewer, telecommunications, etc. for greater than a total of 500 feet