

Chapter 14.44
UTILITIES ON COUNTY RIGHTS-OF-WAY

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14.44.010 Purpose. The purpose of this chapter is to regulate the granting of right-of-way construction permits and to insure that utility construction work undertaken pursuant to such permits is consistent with the applicant's right-of-way franchise from the county, the applicable district comprehensive plan, the critical areas code, the county comprehensive plan, sound engineering and design standards, health and sanitation regulations, and county standards for water mains and fire hydrants. (Ord. 16266 § 2, 2008: Ord. 9614 § 107, 1990: Ord. 1711 § 1, 1973).

14.44.020 Construction permit - required.

A. All construction work performed by franchised utilities, telephone and telegraph companies and within King County right-of-way shall require a right-of-way construction permit to be issued by the property services division of the department of construction and facility management; provided, that construction work undertaken by King County or under contract to King County or requested by King County due to new construction shall be exempted from this requirement. Construction work shall include but not be limited to the construction and maintenance of waterlines, gas pipes, sewer lines, petroleum pipelines, telephone, telegraph and electric lines, cable TV and petroleum products and any other such public and private utilities.

B. The department of transportation and all other county departments during the construction of capital improvement projects shall install vacant conduit reserved for the future installation of fiber optic cable in accordance with the county's I-Net and Wide Area Network Plans; all capital improvement projects not requiring trenching or modification to the subgrade, such as overlays and shoulder widening, shall be exempted from this requirement. (Ord. 12486 § 1, 1996: Ord. 5275 § 1, 1981: Ord. 1711 § 2, 1973).

14.44.030 Construction permit - Application - Generally. Applications for all right-of-way construction permits shall be submitted, in writing, to the real property division*. The application shall contain whatever information, including plans and specifications, which the real property division* shall require. (Ord. 5275 § 2, 1981: Ord. 1711 § 3, 1973).

***Reviser's note: Ordinance 14199 renamed and transferred the powers, duties and functions to the facilities management division.**

14.44.040 Construction permit - application - fees. Each application requires a fee payable to the real estate services section for the administrative costs and expenses of processing the application. The following fee schedule applies:

| | | |
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| A. Pole lines: | | |
| | Power, telephone, etc. (every six poles or portion thereof): | \$200.00 |
| B. Water: | | |
| | Installing mains (1000 lin. ft. or less): | \$200.00 |
| | Additional 1000 lin. ft. or fraction thereof: | \$180.00 |
| | Excavation for connection: | \$200.00 |
| C. Sewer: | | |
| | Installation of mains (1000 ft. or fraction thereof): | \$200.00 |
| | Additional 1000 lin. ft. or fraction thereof: | \$180.00 |
| | Excavation for connection: | \$200.00 |
| D. Cable or conduit: | | |
| | Installing cable or conduit (1000 ft. or less): | \$200.00 |
| | Additional 1000 lin. ft. or fraction thereof: | \$180.00 |
| | Excavation for connection: | \$200.00 |
| E. Gas or oil: | | |
| | Installing mains (1000 lin. ft. or less): | \$200.00 |
| | Additional 1000 ft. or fraction thereof: | \$180.00 |
| | Excavation for connection: | \$200.00 |

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- F. Attachment to existing poles for every three attachments: \$140.00
- G. Immediate response permit requests: In addition to the required permit fees an additional fee of sixty dollars shall be charged.
- H. Maintenance permits: Fees per number of connections:
- | | |
|----------------------------|----------|
| 1. 0 to 50 connections: | \$200.00 |
| 2. 51 to 100 connections: | \$250.00 |
| 3. 101 to 200 connections: | \$300.00 |
| 4. 201 to 500 connections: | \$400.00 |
| 5. 501 or more: | \$450.00 |
- (Ord. 16295 § 8, 2008: Ord. 15316 § 2, 2005 Ord. 14264 § 6, 2001: Ord. 13327 § 2, 1998: Ord. 10172 § 1, 1991: Ord. 7025 § 2, 1984: Ord. 7021 § 1, 1984: Ord. 5275 § 3, 1981: Ord. 1711 § 4, 1973).

14.44.045 Inspection fee.

A. The permittee shall pay an inspection fee at the rate of one hundred forty-nine dollars per hour of utility inspection to the department of transportation, road services division. The fees are in addition to any other county fees and are nonrefundable.

B. The fees shall be collected in accordance with administrative procedures developed by the department of transportation, road services division. (Ord. 16296 § 2, 2008: Ord. 15060 § 2, 2004: Ord. 14519 § 1, 2002: Ord. 13329 § 2, 1998: Ord. 11583, 1994: Ord. 11139 § 1, 1993: Ord. 10650 § 1, 1992: Ord. 10176 § 1, 1991: Ord. 9718, 1990: Ord. 9450, 1990: Ord. 8748, 1988: Ord. 7025 § 3, 1984).

14.44.050 Construction permit - application - review.

A. The department of executive services shall coordinate the review by all departments of right-of-way construction permit applications and shall determine whether the proposed construction is consistent with the applicant's right-of-way franchise from the county.

B. The department of transportation shall review and evaluate applications in respect to the hazard and risk of the proposed construction, location of the proposed construction in relation to other utilities in the right-of-way and the adequacy of the engineering and design of the proposed construction.

C. The department of natural resources and parks shall review and evaluate all applications for right-of-way construction permits for sewer and water main extensions to determine whether the proposed construction is consistent with the sewer or water comprehensive plan approved by the county council pursuant to K.C.C. chapter 13.24. If the facility is not consistent with an approved comprehensive plan, then the construction permit shall not be issued. Applications for those water utilities with Group A nonexpanding public water systems that are not required to prepare comprehensive plans for approval by the county council pursuant to K.C.C. 13.24.010 shall be approved if all other conditions of this chapter are met. (14498 § 22, 2002: Ord. 13625 § 15, 1999: Ord. 5275 § 4, 1981: Ord. 4273 § 1, 1979: Ord. 1711 § 5, 1973).

14.44.055 Emergency construction permits - Unfranchised utilities.

A. The facilities management division may issue right-of-way construction permits to unfranchised utilities under the following circumstances:

1. When the Seattle-King County department of public health has determined that the proposed work is necessary to address a public health hazard; or
2. When the road services division of the department of transportation has determined that the proposed work is necessary to address actual or imminent damage to county right-of-way or to address hazards to users of county right-of-way.

B. No right-of-way construction permit for sewer or water facility construction shall be issued unless the facilities management division receives a determination from the chair of the utilities technical review committee that the proposed work is consistent with the King County Comprehensive Plan codified in K.C.C. Title 20 and with K.C.C. 13.24.132, 13.24.134, 13.24.138 and 13.24.140.

C. The permit applicant shall be required to meet all conditions of this chapter, except K.C.C. 14.44.050A and C. (Ord. 14199 § 205, 2001: Ord. 11790 § 1, 1995).

14.44.060 Policy on accommodation of utilities. Adoption.

A. "King County Regulations for Accommodation of Utilities on County Road Rights-of-Way 1997" is hereby approved and adopted as the King County policy for utility installation and maintenance operations within King County road rights-of-way. (Ord. 13015 § 1, 1998).

14.44.070 Coordination of right-of-way construction.

A. The applicant, at the time of submitting an application for a right-of-way construction permit, shall notify all other public and private utility entities known to be using or proposing to use the same right-of-way of the applicant's proposed construction and the proposed timing of such construction. Any such entity notified may, within seven days of such notification, request a delay in the commencement of such proposed construction for the purpose of coordinating other right-of-way construction with that proposed by the applicant.

B. The property services division shall also coordinate the approval of right-of-way construction permits with county street improvements and maintenance and may delay the commencement date for the applicant's right-of-way construction for ninety days or less, except in the case of emergencies, if it finds that such delay will reduce the inconvenience to county road users from construction activities, if it finds that such delay will not create undue economic hardship on the applicant, or if it finds that such delay will allow the county to install conduit for future installation of fiber optic cable.

C. The property services division shall inform the department of transportation of all right-of-way construction permits issued.

D. The property services division shall forward copies of all right-of-way construction permit applications for projects 1,000 feet or longer to the department of information and administrative services. The division of information technology services will determine within 15 working days whether the installation of conduit may be needed for the future installation of fiber optic cable to connect county or other public facilities. (Ord. 12486 § 2, 1996: Ord. 5275 § 5, 1981: Ord. 1711 § 7, 1973).

14.44.080 Performance guarantee required. Prior to final approval of all right-of-way construction permits, the department of transportation shall determine the amount of the performance guarantee necessary to assure compliance with the approved construction plans, applicable state and local health and sanitation regulations, county standards for water mains and fire hydrants and to assure proper restoration of the road and the health and safety of the users of the road. The applicant shall submit the financial guarantee consistent with the provisions of K.C.C. Title 27A. (Ord. 14199 § 206, 2001: Ord. 12020 § 48, 1995: Ord. 1711 § 8, 1973).

14.44.090 Construction permit - Form. The right-of-way construction permit granted shall be in a form approved by and be made subject to all reasonable and necessary terms and conditions imposed by the department of transportation. (Ord. 14199 § 207, 2001: Ord. 1711 § 9, 1973).

14.44.100 Notification by permittee of construction commenced. The permittee is required to give oral or written notice of the date construction will begin to the following agencies: department of transportation for all right-of-way construction; Seattle-King County department of public health for construction of waterworks (except for domestic service connections); and King County fire marshal for waterworks. Failure to give such notice is grounds for the revocation or suspension of the construction permit. (Ord. 14199 § 208, 2001: Ord. 1711 § 10, 1973).

14.44.110 Enforcement. The director of the department of transportation and the director of the Seattle-King County department of public health are authorized to enforce the provisions of this chapter, the ordinances codified in it, and any rules and regulations adopted hereunder pursuant to the enforcement and penalty provisions of K.C.C. Title 23. (Ord. 14199 § 209, 2001: Ord. 2910 § 5, 1976: Ord. 1711 (part), 1973).

14.44.115 Productivity and customer service report. Concurrent with the annual submittal of the executive proposed budget, on or about October 1 of each year, a report shall be provided to the county council by the property services division or its successor detailing performance measurements for each function within the permit and franchises section or its successor. The performance measurements shall include historical reporting for the current year-to-date and the preceding three years. The data reported is to include, but not be limited to: the number of permits and other transactions processed and the number of employees for each period; the average, longest and shortest periods of time for permits processed by the division for each year; the criteria used to determine the value of easements and of annual fees for use of county property, demonstrating utilization of commonly accepted principles of real estate appraisal; and the appraisal reports and fee calculation formulas for easements and annual fees for uses for all fees assessed in excess of one thousand dollars. (Ord. 14264 § 9, 2001).

14.44.120 Severability. If any provision of this chapter or its application to any person or circumstance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 1711 § 13, 1973).