

Right-Of-Way Construction Permits for Franchised Utilities

Table of Contents

<i>The Right-of-Way Construction Permit Process.....</i>
<i>When Must I Apply for a Right-of-Way Construction Permit?.....</i>
<i>When Don't I Need a Right-of-Way Construction Permit?</i>
<i>How to Apply for a Permit.....</i>
<i>Completing the Permit Application.....</i>
<i>Map Requirements.....</i>
<i>Sample Application and Map.....</i>
<i>Do I Need Other Permits?.....</i>
<i>Job Starts and Inspection.....</i>
<i>Permit and Inspection Fees.....</i>
<i>How Can I Tell if A Road is County ROW?.....</i>
<i>Permit-Related Phone Numbers.....</i>

NOTE: This Customer Information Bulletin is intended to assist the permit applicant in understanding the requirements for submitting a complete application and to provide answers to commonly asked questions. This bulletin is not a complete statement of the laws and rules governing Right-of-Way Construction permits and should not be used as a substitute for them. If conflicts and questions arise, the King County Code and associated regulations are the final authority. Because they may be revised or amended at any time, consult King County staff to be sure you understand all requirements before beginning any work. It is the permittees responsibility to ensure that the project meets requirements of all codes and regulations.

The Right-of-Way Construction Permit Process

This bulletin explains when you need a Right-of-Way (ROW) Construction permit and how to apply for it. ROW Construction permits are obtained from the King County Property Services Division to allow utility construction work by franchised utilities, telephone companies and Metro on County road rights-of-way. ROW Construction permits are available only to franchised utilities; individuals wishing to repair or replace water and electric service lines or side sewers in County road ROW must work through their local utility.

When Must I Apply for a Right-of-Way Construction Permit?

King County Code Chapter 14.44 states that a ROW Construction Permit is required for all construction work performed by franchised utilities, telephone and telegraph companies and Metro within King County right-of-way.

King County **cannot** issue ROW Construction Permits for city streets, state highways, private roads, or for preliminary plats (until they are recorded).

Some common projects in **County road rights-of-way** which require a ROW Construction Permit application include:

- Construction, repair or replacement of mains, lines, poles, or other utility appurtenances;
- Construction of fences, guardrails or other structures by a utility;
- Test boring for utility purposes;
- Others?

When Don't I Need a Right-of-Way Construction Permit?

1. R OW Construction permits **are not required** for the following utility work in County road rights-of-way:

- Maintenance through manholes already in ROW;
- Work done in conjunction with a County road improvement project;
- Repair of failed or inadequate road restoration done under a previous permit.

2. **Private improvements or use of County road right-of-way** may require a ROW Use Permit from the King County Department of Development and Environmental Services. For more information, call 296-6640.

1 **Work in privately owned roads** may require of Development and Environmental Services. For permission from the owner and may also require a information call 296-6610. Clearing or Grading Permit from the Department

2 **Work on County-owned tracts or easements other than road rights-of-way** require a Special Use Permit available from the Property Services Division at 296-7456.

How To Apply for a ROW Construction Permit

By Telephone:

Permit applications by telephone will be accepted in two situations:

Emergencies

A permit number will be issued over the phone in cases of bonafide emergencies. Emergencies include line leaks/breaks, road failures, bad order poles, or car/ pole accidents.

If the emergency occurs after working hours, work may begin immediately provided that the utility calls for the permit on the next working day.

Upon receiving the permit number, the utility should contact the Utility Inspection Unit at 296-8 122 to notify them of the job start.

Single Family Water Service Connections

Utilities may also request permits by phone for single family water service connections. The permits must be typed up, approved by Utility Inspection, and sent to the utility before work can begin.

When applying by phone, have the following information ready:

- Type of work
- Whether work is emergency or nonemergency
- Whether the work is in the shoulder or pavement
- The specific location of the work (if at an intersection, specify on which street and side)
- Whether the connection is short (30 feet or less) or long (over 30 feet)

By Mail:

1. Complete a ROW Construction Permit form. If the
6. The applicant shall be solely responsible for complying with the State Environmental Policy Act (SEPA). The SEPA Declaration of Significance or Non Significant must be included as a part of the application package. Any questions regarding compliance shall be directed to the Department of Development and Environmental Services (DDES). See DDES web site for additional information.

application is being prepared by an engineering firm, a letter containing the required information is acceptable. **To speed up the processing of your permit, make sure that the application contains the following information:**

- Franchise number
- Section, Township and Range
- Emergency contact phone number
- A clear description of the location of the work to be done, including County road rights-of-way used and the number of linear feet of pipe, line or cable to be installed. See sample application on page 3.

Note: If you use engineering designations for locations, i.e. closure or pedestal numbers, please also use the street designations.

2. Send three copies of a map showing the work to be done. The map scale should be between 50 to 100 feet per inch. The maps should clearly:
 - Show County roads and the location of the new facilities relative to the centerline, fogline and asphalt of the road.
 - Distinguish between the new facilities to be installed and existing facilities.
 - See the sample map on page 3.
3. Enclose pole certification form, available from the Property Services Division, and a pole detail drawing showing the location of the pole(s) relative to the centerline, fogline.....of the road.
4. Send a Shoreline Permit or letter of exemption if work is within 200 feet of a river, lake, major stream, salt water shoreline, or other body of water.
5. Send a Clearing or Grading Permit if work is on unimproved County road right-of-way.

Hand Carried Permits:

Under limited circumstances (which are...), permits may be hand carried to Property Services for immediate issuance. Applicants must obtain approval from Utility Inspection **before** the permit is delivered to the Property Services Division.

Do I Need Other Permits?

Shoreline Permits - Work done within 200 feet of a river, stream, lake, saltwater body or other body of water requires a Shoreline permit or an official letter of exemption from the Department of Development and Environmental Services. For more information call (206) 296-6650.

Clearing and Grading Permits - Work on unimproved County ROW may require Clearing and Grading permits, available from the Department of Development and Environmental Services at (206) 296-6610.

Note: Apply for these permits before you apply for a ROW Construction permit, as these take longer to obtain.

Job Starts and Inspections

Permittees are required to call Utility Inspection at (206) 296-8122 to notify them of the job start prior to beginning work. Failure to do so may result in a penalty of one hour of inspection time being charged on top of regular inspection charges.

Permit and Inspection Fees

Permit and inspection fees are set by ordinance and change periodically, but currently the fees are as follow:

Permit Fees-Billed monthly by Property Services.

Water, Sewer, Gas Mains, Cable or Conduit-
Excavation for connection 1,000 feet or less.
Additional 1,000 feet or portion thereof.

Poles-Each six poles or portion thereof

Inspection Fees - Billed monthly by Utility Inspection

How Can I Tell if the Road is County ROW?

When in doubt, call or fax your question to the Property Services Division at 296-7456 or 296-0196 (Fax).

Permit -Related Phone Numbers

Emergency Permit Requests (206) 296-7456
Franchise Information (206) 296-7456
Job Starts (206) 296-8122
Shoreline Permits (206) 296-6650
Grading/Clearing Permits (206) 296-6610
One-Call (Call Before You Dig) 1-800-424-5555
County Road Standards (1993 Ed.)
(206) 296-3783
Permits for Other County Property
(206) 296-7456

before beginning any work. It is the permittee's responsibility to ensure that the project meets requirements of all codes and regulations.

ROW Construction Permit Checklist

Including the following information in your permit application will help us process your permit as quickly as possible.

ROW Construction Permit form or letter including:

- Franchise Number
- Section, Township, Range
- Emergency contact person and phone number
- Clear description of work to be done, naming County road rights-of-way and the number of feet of pipe, line, cable installed.
- Three copies of maps (scale between 50-100 feet/inch), highlighting new facilities.
- Pole Certification form (if applicable)
- Pole detail drawing (if applicable)
- Clearing or Grading Permit (if applicable)
- Shoreline Permit or exemption (if applicable)

Permit -Related Phone Numbers

ROW Construction Permit Information	296-7456
Utility Franchise Information	296-7456
Job Starts (Utility Inspection)	296-8122
Shoreline Permits	296-6650
Grading/Clearing Permits	296-6610
County Road Standards (1992 edition)	296-3783
Variances from Road Standards	296-3783
County Road Projects	296-6530
Permits for Other County Property	296-7456
One-Call (Call Before You Dig)	1-800-424-5555

NOTE: This Customer Information Bulletin is intended to assist the permit applicant in understanding the requirements for submitting a complete application and to provide answers to commonly asked questions. This bulletin is not a complete statement of the laws and rules governing Right-of-Way Construction permits and should not be used as a substitute for them. If conflicts and questions arise, the King County Code and associated regulations are the final authority. Because they may be revised or amended at any time, consult King County staff to be sure you understand all requirements

Right-Of-Way Construction Permits For Franchised Utilities

The Right-of-Way Construction Permit Process

This bulletin explains when you need a Right-of-Way Construction permit and how to apply for it. ROW Construction permits are obtained from the King County Property Services Division to allow utility construction work on County road rights-of-way. ROW Construction permits are available only to franchised utilities; individuals wishing to repair or replace water and electric service lines or side sewers in County roads must work through their local utility.

When Do I Need a ROW Construction Permit?

King County Code Chapter 14.44 requires a ROW Construction Permit for all construction work performed by franchised utilities, telephone and telegraph companies and Metro within King County road right-of-way. King County **cannot** issue ROW Construction Permits for city streets, state highways, private roads, or for preliminary plats (until they are recorded). Some common projects in **County road rights-of-way** which require a ROW Construction Permit include:

- Construction, repair or replacement of mains, lines, poles, anchors and guys, or other utility appurtenances;
- Construction of fences, guardrails or other structures by a utility;
- Test boring for utility purposes; and
- Installation or replacement of aerial wires.
- Repair of aerial wires???

APPLICATION PROCEDURES FOR OBTAINING A FRANCHISE FOR
KING COUNTY RIGHTS-OF-WAY

Definition: A franchise is a grant by King County, authorized by Chapter 36.55 Revised Code of Washington and Chapter 6.27 King County code, to permit public and private utilities to use and occupy the right-of-way of county roads for the construction and maintenance of waterworks, gas pipes, telephone, telegraph and electric lines, sewers, cable television, petroleum products, and other such public and private utilities. Such rights may be granted for specific purposes for a limited time, not to exceed 50 years. Said specific purposes shall be secondary and subordinate to the primary use of the right-of-way as a public thoroughfare, and shall be subject to preemption of the right-of-way for such primary use.

Procedures:

1. Applicants for franchises for **sewer and water** pipeline systems shall first comply with K.C.C. Chapter 13.24 relating to comprehensive plans. Such compliance includes submission of said plan and a resolution adopted by governing the sewer and/or water the same, to the Utility Technical Review Committee (UTRC), Chair; King County DNRP; 201 S. Jackson Street, Suite 700; Seattle WA 98104. Once reviewed by the UTRC, the plan is subject to approval by the King County Council upon a finding that said plan is consistent with the King County Comprehensive Plan. If there are any questions regarding compliance with K.C.C. 13.24, you may contact the Chair of the UTRC at 206-205-0817.

All other applicants are exempt from comprehensive plan requirements.

2. The application shall be addressed to the Clerk of the King County Council, Room 402 King County Courthouse, 516 Third Avenue, Seattle, WA 98104. The following items shall be contained in the application as specified in K.C.C. 6.27:
 - a. A letter stating the name and address of the corporation or organization requesting the franchise and the reason for the application. Any unusual circumstances should be mentioned, and brief statements paraphrased or extracted from the comprehensive plan should be included so that those unfamiliar with the subject may quickly gain background and perspective on the nature of the application and the applicant.
 - b. A certified check for \$ 1,400.00, made payable to the King County Treasury, to cover administrative costs.
 - c. A metes and bounds legal description of the proposed franchise area, legal subdivision or combination thereof on a computer disk (Times New Roman 12), if available.
 - d. Eight copies of a map of sufficient scale and detail to depict the legal description complete with title block showing name, date, scale, legend, etc.
 - e. Eight copies of vicinity map on letter or legal sized paper, at a scale of 2 inches per mile or less, showing the area surrounding the proposed franchise which may be served by other franchises.

NOTE: If the applicant holds any other franchises in the vicinity, the maps should show the boundaries of these in relation to the proposed franchise area.

f. Franchises may require SEPA review.

3. The application is reviewed by the Real Estate Services Section, the Utility Technical Review Committee and the Department of Transportation, adjustments are made as required or by negotiation during the course of these reviews.
4. Upon completion of preliminary review, the application is submitted with a recommendation by the King County Executive to the King County Council. Upon approval by the Council, a franchise will be granted for a term specified by the council and subject to the conditions in the agreement. The franchise agreement must be accepted and signed by an authorized officer of the Grantee within thirty days. Following the council's approval, three original copies will be distributed to the Council records, the Grantee and the Real Estate Services Section.
5. Before any construction is started under an approved franchise, a Right-of-Way Construction Permit must be obtained from the Real Estate Services, 500 King County Administration Building, 500 Fourth Avenue, Seattle, WA 98104. The permit described and located the proposed construction. Three sets of plans and specifications at working scale should be submitted with the permit application, along with an "ON, From, TO" description of the portions of the project in the public right-of-way. A performance bond is required as determined by the Department of Transportation, and the entire project is subject to inspection and approval by the checklist and threshold determination is required for major actions. (WAC 197-10-170,18)

Internal Routing of Franchise Applications:

1. Clerk of the Council transmits it to the Real Estate Services Section.
2. The Real Estate Services Section reviews the legal description, coordinates review by the Utilities Technical Review Committee and the Department of Transportation, prepares the ordinance authorizing the franchise and transmits the required documents to the King County Executive and Council.
3. The Clerk of the Council advertises the public hearing.
4. The County Council holds a public hearing on the ordinance and votes to approve, approve with amendment(s) or deny the ordinance.
5. If approved, the county Executive will execute the franchise agreement on behalf of King County.
6. The grantee accepts and signs the franchise agreement within 30 days of Council approval.
7. The Real Estate Services Section, Records Division and Grantee receive and file copies of the franchise agreement.
8. The Real Estate Services Section may issue right-of-way construction permits to the Grantee, subject to environmental policy, Sensitive Areas Ordinance and other applicable ordinances.