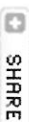


Chapter 11.20 UNDERGROUND INSTALLATION OF ELECTRICAL AND COMMUNICATION LINES AND FACILITIES

Sections:

<u>11.20.010</u>	Compliance – Purpose – Scope.
<u>11.20.020</u>	Cost.
<u>11.20.030</u>	Underground requirements.
<u>11.20.040</u>	Permits and fees.
<u>11.20.050</u>	Design standards.
<u>11.20.060</u>	Variance procedures.
<u>11.20.070</u>	Joint trenches.
<u>11.20.080</u>	Enforcement.

11.20.010 Compliance – Purpose – Scope.



A. It is the policy of the City of SeaTac, pursuant to its Comprehensive Plan, to require compliance with the following orderly program pertaining to the underground relocation of all existing overhead wires carrying any electrical energy and/or communication signals including, but not limited to, telephone, telegraph, cable television, fiber optics and electrical power, and to require the underground installation of all new electrical and communication facilities, subject to certain exceptions noted hereafter. It is found and determined by the City that the health and safety, particularly the safety of the traveling public, and the general welfare of the residents of the City require that all such existing overhead facilities be relocated underground as soon as practicable in accordance with the requirements specified herein and that all such new facilities be installed underground, as specified herein.

B. The purpose of this chapter includes, but is not limited to, establishing minimum requirements and procedures for the underground installation and relocation of electrical and communication facilities within the City.

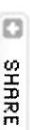
C. Subject to the exceptions set forth in subsection (D) of this section, this chapter shall apply to all electric facilities and to all communication facilities, including but not limited to telephone, telegraph, cable television, fiber optics and electrical communication facilities.

D. This chapter shall not apply to the following facilities:

1. Electric utility substations, pad-mounted transformers and switching facilities not located on the public right-of-way where site screening is or will be provided in accordance with SMC 11.20.050(C);
2. Electric transmission systems, (including poles and wires) of a voltage of more than thirty-five thousand (35,000) volts, and facilities where the utility providing electrical energy provides, at its own expense, an underground street lighting circuit including all conductors and conduit to a point on the poles at least twenty (20) feet above ground level to serve utility owned street and pedestrian lighting fixtures mounted on poles;
3. Ornamental street lighting standards;

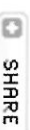
4. Telephone pedestals and other equivalent communication facilities;
5. Police and fire sirens, or any similar City equipment, including traffic-control equipment. (Ord. 97-1002 § 1)

11.20.020 Cost.



Except as provided in currently valid tariffs on file with the Washington State Utilities and Transportation Commission, which provide for responsibility for payment of undergrounding costs by the customer and/or the City, the cost and expense of converting existing overhead facilities to underground, or installing new facilities underground, and connection from such facilities to buildings, residences and other structures, shall be borne by the serving utilities, or the owners or occupants of the real property served or persons applying for such underground service. However, if the City determines that the public health, welfare, convenience and pedestrian and vehicular traffic safety in any street or road widening or relocation project requires conversion of existing overhead facilities to an underground installation, with connection to the buildings, residences and other structures served thereby, then in any such event, the utility or utilities affected shall provide such work; provided, however, that in order for the utility or utilities to connect the undergrounded services to buildings, residences and other structures to be served, each property owner shall convey and grant to the utility or utilities easements or licenses and permission to enter onto the property of such owner for the purpose of connecting such service; provided, further, that the City shall be required to assume and pay, as part of the cost of the project, all or a portion of the cost of underground connection from rights-of-way to buildings, residences or structures to be served, but not to exceed the actual cost or the sum of three thousand four hundred dollars (\$3,400), whichever is less, for each parcel of property. (Ord. 03-1031 § 1; Ord. 98-1023 § 1; Ord. 97-1002 § 1)

11.20.030 Underground requirements.



A. The following terms when used in this chapter shall have the following definitions:

1. "Rebuilds" means a placement of overhead facilities for a distance of three (3) or more spans (four (4) poles) or five hundred (500) feet exclusive of replacements due to casualty damage.
 2. "Services" means facilities located on private property and/or for the specific purpose of servicing one (1) customer.
 3. "Relocations" means removal of existing facilities with subsequent reinstallation at an adjacent location, generally necessitated by roadway improvements or widening projects.
- B. All new electric or communications services from an overhead or underground facility to serve buildings, multifamily residences or structures shall be installed underground from and after the effective date of the ordinance codified in this chapter. All rebuilt or relocated electric or communication service from an overhead or underground facility to serve buildings, multifamily residences or structures shall be installed underground from and after the effective date hereof except: (1) those services which only involve a change in the overhead service line without a change in the corresponding service entrance facilities; and (2) rebuilding or enlarging services feeding overhead to existing single-family residences.
- C. The following requirements apply to all areas zoned by the Comprehensive Zoning Code of the City as community business (CB), neighborhood business (NB), and aviation business center (ABC), and all public facilities:

1. Subject to the exceptions of SMC 11.20.010(D) all existing overhead electric and communication facilities shall be converted to underground facilities within fifteen (15) years from the effective date hereof, subject to extensions by the City up to ten (10) years, whenever, in the City's judgment, its financial situation

prohibits the City from participating financially to the degree required by the provisions of this chapter, or by State law or regulations.

2. All areas rezoned for business uses and all public facilities constructed after the effective date hereof, extensions, rebuilds or relocations of existing overhead electric and communication facilities shall be installed underground from and after the effective date hereof.

3. All areas rezoned for commercial or industrial use after the effective date hereof shall be converted to underground in the same manner as provided in this subsection; provided, however, that the fifteen (15) year period specified in subsection (C)(2) of this section, shall commence upon the effective date of such rezoning.

D. All extensions, relocations, or rebuilds of existing overhead electric and communication facilities in areas zoned by the comprehensive zoning ordinance of the City as urban low density (UL), urban medium density (UM) and urban high density (UH), shall be installed underground from and after the effective date hereof.

E. The following requirements apply to all areas not included in subsection (C) of this section and zoned by the Comprehensive Zoning Code of the City as community business (CB), neighborhood business (NB), and aviation business center (ABC) zones (commercial/retail businesses and public facilities):

1. The underground requirements with respect to all electric or communication facilities in these areas shall conform to the requirements of the immediately surrounding areas as determined by the zoning classifications; provided, that where the surrounding areas have varying requirements in accordance with the provisions of subsections (C) and (D) of this section, the undergrounding requirements shall be those which are most appropriate and applicable to the predominantly surrounding area as determined by the City.

F. Street lighting facilities or systems conforming to the current standards of the City's Public Works Department shall be installed as an integral part of all undergrounding projects.

G. All rights-of-way proposed to be dedicated to the City and all easements for public facilities shall be subject to the provisions of this chapter.

H. Except as provided in SMC 11.20.020, the owner or owners of real property abutting an underground project shall be responsible, at such owners' expense, for converting to, and connecting with, underground service within ninety (90) days after the date of the mailing of the notice as hereinbelow set forth. Time in completing conversion and connection from overhead to underground service is of the essence and such notice to the property owner of the affected premises may be mailed, postage prepaid, or delivered in person. Nothing herein shall limit the authority of the City to require conversion from overhead service to underground service, and connection to such underground service, by local improvement districts or as otherwise permitted by law, including RCW 35.96.030 and 35.96.040.

I. When service from the underground electric and communications facilities is available in all or part of a conversion area, the City shall mail a notice to the owners of all buildings, residences or other structures served from existing overhead facilities in the area, which notice shall state that:

1. Service from the underground facility is available;

2. All electric and communication service lines from the existing overhead facilities within the area to any building, residence or other structure must be disconnected and be removed, and underground facilities and service be established within ninety (90) days after the date of the mailing of the notice;

3. Should such owner fail to convert from overhead to underground within ninety (90) days after the date of the mailing of the notice, the City shall order the electric and communication utilities to disconnect and remove the overhead service facilities and lines;

4. Should the owner object to the disconnection and removal of the overhead facilities and service lines, the owner may file written objections thereto with the City Clerk within thirty (30) days after the date of the mailing of the notice and failure to so object within such time will constitute a waiver of the owner's right thereafter to object to such disconnection and removal.

J. Upon the timely filing by the owner of objections to the disconnection and removal of overhead facilities and service lines, the City Council shall conduct a hearing to determine whether the removal of all or any part of the overhead facilities and service lines is in the public benefit. The hearings shall be held at such time as the Council may establish and shall be held in accordance with the regularly established procedures set forth by the City Council administrative procedures. The determination reached by the City Council shall be final.

K. Unless otherwise provided by Chapter 35.96 RCW, all of the general provisions relating to local improvements of cities and towns shall likewise apply to local improvements for the conversion of overhead electric and communication facilities to underground facilities.

L. Where above ground pole line installations are permitted under the variance procedures set forth in SMC 11.20.060, conductors shall be placed in vertical alignment or other approved alignment as authorized by the City's Public Works Department.

M. Plans for all aboveground installations, including those excepted under SMC 11.20.010(D), shall be submitted to the City for approval of screening and setback requirements prior to the issuance of any permits in connection with such above ground installations in the public rights-of-way or in public utility easements.

N. Project "as-built" drawings, in a form and scale conforming to generally accepted engineering practices, shall be submitted in duplicate to the City's Public Works Department within thirty (30) days of the completion of any underground project within the City. In addition, each utility shall submit in duplicate "as-built" drawings of all of its underground facilities within the City on an annual basis, commencing on January 1st following the effective date hereof; provided, that if said drawings are not available at that time, the utility shall be given a reasonable time to prepare and submit such drawings. The requirement to provide the drawings as specified in this subsection shall not relieve the applicant for a permit from providing preliminary plans in connection with the application for a permit for work in the public right-of-way or otherwise. (Ord. 97-1002 § 1)

11.20.040 Permits and fees.

SHRE

A. A permit for work in the public right-of-way for undergrounding work shall be acquired by the utility from the Public Works Department prior to proceeding with construction of facilities in the public right-of-way, or within easements for public facilities, or public property. The fee for and terms for such permit for any undergrounding shall be pursuant to Chapter 11.10 of this title and the City's approved fee schedule.

B. Where above grade pole line installations are permitted under the variance procedures of Section 11.20.060 of this chapter, a permit shall be acquired by the utility from the City's Public Works Department prior to proceeding with construction of such facilities in the public right-of-way, or within easements for public facilities, or public property. The fee for and terms of such permit shall be pursuant to Chapter 11.10 of this title and the City's approved fee schedule. (Ord. 97-1002 § 1)

11.20.050 Design standards.

SHRE

A. All conductors, switches, transformers, and regulating devices shall be installed in accordance with applicable national, State and local safety standards. All structural devices shall be designed in accordance with the provisions of, and additions to, the Uniform Building Code adopted by the City, and all other applicable ordinances and regulations of the City as its building code.

- B. All underground facilities provided for herein shall be installed in such manner as to be coordinated with underground water, sewer, and gas pipelines, and with traffic control and other signal systems. Whenever such coordination requires installation practices more restrictive or demanding than the minimum standards required by applicable national, State and local codes and safety standards, the requirements of such coordination shall govern and be controlling.
- C. All vaults, manholes, ventilation gratings, and access covers and conduits in public rights-of-way shall be strong enough to withstand ten thousand (10,000) pounds wheel load. The utility may, at its option, elect not to comply with the said wheel load requirement as to such facilities not on the traveled portion of the street providing, however, that the utility shall be responsible for upgrading of the said facilities in event of widening of the traveled portion of the street.
- D. Any equipment and facilities excepted from underground requirements or otherwise permitted to be installed aboveground except for poles, pole-mounted equipment, and aerial lines shall be:
1. Placed within an enclosure or within the building or structure being served, or be suitably screened in accordance with the landscape requirements of Chapter 15.14 of this code.
 2. The utility shall be responsible for the installation, maintenance, repair, and replacement of the sight screening materials and barrier when the real property on which the aboveground facility is located is owned by the utility.
 3. When the aboveground facility is located on real property not owned by the utility, the owner of such real property shall be responsible for the installation, maintenance, repair, and replacement of the aforementioned screening materials and sight barrier.
- E. Space frames and structural arrangements for holding equipment or facilities shall be designed to have an uncluttered and neat appearance.
- F. Streets shall be excavated to subgrade prior to the installation of underground facilities as determined by the City's Public Works Department. (Ord. 97-1002 § 1)
- 11.20.060 Variance procedures.**
- All applications for variance from the foregoing underground requirements shall first be filed with the City Clerk. Underground requirements shall be waived by a variance only if the utility, user, or other affected party can demonstrate that such requirements would cause an undue hardship and that the variance would not cause substantial adverse impact to other persons or entities in the immediate surrounding area. The term "undue hardship" is hereby defined as a technological difficulty associated with the particular facility, or with the particular real property involved, or the cost of undergrounding such facility which exceeds usual costs or is found to outweigh the general welfare considerations implicit in underground installation or that the particular real property is in an area where the pattern of growth and development has not yet been sufficiently established to permit the determination of ultimate service requirements or major service routes. (Ord. 97-1002 § 1)

11.20.070 Joint trenches.

In requiring undergrounding of electric and communications facilities, it is the City's intent to authorize and encourage establishment of joint or common trenches, as follows:

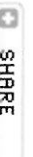
- A. Utilization of a single trench where feasible by all utilities and rights-of-way franchise holders is hereby encouraged and shall be required where ever feasible. Upon application for an underground right-of-way use permit, the City's Public Works Department shall determine whether other utilities and franchise holders have applied, or may be likely to apply on a timely basis, for undergrounding along the same right-of-way and whether the permit, if issued, should require joint use of a common trench.

If at the time of application for an underground permit it does not appear that all utilities involved in the undergrounding project have made appropriate arrangements for the use of the common trenches, the Public Works Department may delay the issuance of such permit until all utilities involved in such relocation shall have been given the opportunity to be heard upon two (2) weeks' notice.

B. Where new structures require underground services extending into or across the public right-of-way to existing overhead distribution systems for connection, it shall be the responsibility of the property owner, owner's agent or other persons applying for such underground service from an electrical or communications utility to provide adequate provisions and capacity for joint usage in a trench with conduit or other required facilities for present and future service extensions to the structure. The utility, property owner, owner's, agent, or other person, applying for the permit shall notify all other electrical and communications utilities as to the availability of a common trench. The issuance of a permit may be delayed until all utilities involved in a street crossing for underground service connection to a structure have been given the opportunity to be heard upon two (2) weeks' notice.

C. Whenever an electrical or communications facility, including but not limited to electrical power, telephone, telegraph, cable television, and fiber optics is required to be placed underground in a joint trench, then the costs of excavation and fill and also the costs of conduit, cable, vaults, and other appurtenant facilities shall be borne on an equal basis, or as agreed, by the utilities, franchise holders, or others participating in the undergrounding project. (Ord. 97-1002 § 1)

11.20.080 Enforcement.



Any violation of the provisions of this chapter, or any amendments thereto, by any individual or entity shall constitute a civil infraction and any individual or entity committing such infraction shall be subject to a civil penalty not exceeding one thousand dollars (\$1,000) for each violation and for each day upon which any such violation shall continue. The City Manager, or designee, shall be responsible for investigation of violations and for enforcement of the provisions of this chapter. (Ord. 97-1002 § 1)