

CHAPTER 55.

[S. B. 117.]

FRANCHISES ON COUNTY ROADS.

AN ACT relating to franchises on county roads and bridges; and amending section 38, chapter 187, Laws of 1937 and RCW 36.55.010, 36.55.040, 36.55.050 and 36.55.060.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Section 38, chapter 187, Laws of 1937 (heretofore divided and codified as RCW 36.55.010, 36.55.040, 36.55.050 and 36.55.060) is divided and amended as set forth in sections 2 through 5 of this act.

SEC. 2. (RCW 36.55.010) Any board of county commissioners may grant franchises to persons or private or municipal corporations to use the right of way of county roads in their respective counties for the construction and maintenance of water works, gas pipes, telephone, telegraph, and electric light lines, sewers and any other such facilities.

RCW 36.55.010 amended.
Pipe line and water line franchises on county roads.

SEC. 3. (RCW 36.55.040) On application being made to the board of county commissioners for franchise, the board shall fix a time and place for hearing the same, and shall cause the county auditor to give public notice thereof at the expense of the applicant, by posting notices in three public places in the county seat of the county at least fifteen days before the day fixed for the hearing. The board shall also publish a like notice two times in some daily newspaper published in the county, or if no daily newspaper is published in the county, then the newspaper doing the county printing, the last publication to be not less than five days before the day fixed for the hearing. The notice shall state the name or names of the applicant or applicants, a description of the county roads by reference to section, township and range

RCW 36.55.040 amended.
Application—Notice of hearing.

in which the county roads or portions thereof are physically located, to be included in the franchise for which the application is made, and the time and place fixed for the hearing.

RCW 36.55.050 amended. Hearing--order.

SEC. 4. (RCW 36.55.050) The hearing may be adjourned from time to time by the order of the board of county commissioners. If, after the hearing, the board deems it to be for the public interest to grant the franchise in whole or in part, it may make and enter a resolution to that effect and may require the applicant to place his utility and its appurtenances in such location on or along the county road as the board finds will cause the least interference with other uses of the road.

RCW 36.55.060 amended. Limitations upon grants.

SEC. 5. (RCW 36.55.060) (1) Any person constructing or operating any utility on or along a county road shall be liable to the county for all necessary expense incurred in restoring the county road to a suitable condition for travel.

(2) No franchise shall be granted for a period of longer than fifty years.

(3) No exclusive franchise or privilege shall be granted.

(4) The facilities of the holder of any such franchise shall be removed at the expense of the holder thereof, to some other location on such county road in the event it is to be constructed, altered, or improved or becomes a primary state highway and such removal is reasonably necessary for the construction, alteration, or improvement thereof.

Passed the Senate February 2, 1961.

Passed the House February 25, 1961.

Approved by the Governor March 6, 1961.