



SEATTLE CITY COUNCIL

Economic Development, Technology, and City Light Committee

Agenda

Wednesday, June 14, 2023

9:30 AM

Council Chamber, City Hall
600 4th Avenue
Seattle, WA 98104

Sara Nelson, Chair
Debora Juarez, Vice-Chair
Lisa Herbold, Member
Kshama Sawant, Member
Dan Strauss, Member

Chair Info: 206-684-8809; Sara.Nelson@seattle.gov

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Light Committee
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Meeting Location:

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Committee Website:

<https://www.seattle.gov/council/committees/economic-development-technology-and-city-light>

This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

Members of the public may register for remote or in-person Public Comment to address the Council. Details on how to provide Public Comment are listed below:

Remote Public Comment - Register online to speak during the Public Comment period at the meeting at <http://www.seattle.gov/council/committees/public-comment>. Online registration to speak will begin two hours before the meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

In-Person Public Comment - Register to speak on the Public Comment sign-up sheet located inside Council Chambers at least 15 minutes prior to the meeting start time. Registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Submit written comments to Councilmember Nelson at sara.nelson@seattle.gov

Please Note: Times listed are estimated

A. Call To Order

B. Approval of the Agenda

C. Public Comment

D. Items of Business

1. [CB 120594](#) **AN ORDINANCE relating to underground utility districts; authorizing the City Light Department to evaluate the risks presented by overhead facilities on streets and alleys in the First Hill district and to determine, based upon the Department's engineering standards, whether electric facilities should be undergrounded and whether to dispose of remaining utility poles; and amending Sections 21.68.070, 21.68.090, and 21.68.100 of the Seattle Municipal Code.**

Supporting Documents: [Summary and Fiscal Note Presentation](#)

Briefing and Discussion (20 minutes)

Presenters: Hina Arai and Jeff Wolf, Seattle City Light; Eric McConaghy, Council Central Staff

E. Adjournment



Legislation Text

File #: CB 120594, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to underground utility districts; authorizing the City Light Department to evaluate the risks presented by overhead facilities on streets and alleys in the First Hill district and to determine, based upon the Department’s engineering standards, whether electric facilities should be undergrounded and whether to dispose of remaining utility poles; and amending Sections 21.68.070, 21.68.090, and 21.68.100 of the Seattle Municipal Code.

WHEREAS, on July 19, 1968, Ordinance 96796 was enacted, requiring the undergrounding of electric distribution, telephone, telegraph, CATV, and other wires and facilities in the First Hill district for the general welfare of the inhabitants of the city and providing for the termination of overhead service to customers in such district; and

WHEREAS, the City Light Department (“Department”) periodically publishes engineering standards for the design, construction, and maintenance of the Department’s electric distribution facilities; and

WHEREAS, these standards are developed consistent with federal, state, and local requirements to ensure the safe operation of the Department’s electric distribution facilities; and

WHEREAS, the Department has determined that certain overhead facilities in the First Hill district, not yet relocated under Ordinance 96796, can be maintained and operated safely without the requirement that they be undergrounded; and

WHEREAS, most existing utility poles in the First Hill district carry communication lines owned or maintained by entities other than The City of Seattle; and

WHEREAS, the undergrounding of electric overhead facilities poses significant additional cost to the Department and its ratepayers; and

WHEREAS, the undergrounding of facilities in the First Hill district poses a financial burden to building owners as electrical services will only be available from such underground facilities, requiring the modification of service connection points and construction of underground facilities at the customer and/or property owners' expense; and

WHEREAS, the undergrounding of electric facilities in the First Hill district poses a burden to the neighborhood resulting from prolonged street closures and reduced availability of parking; and

WHEREAS, the interests of the Department and ratepayers are best served by authorizing the Department to apply its engineering standards to evaluate electric overhead distribution facilities and determine, in its sole discretion, whether certain electric overhead distribution facilities in the First Hill district must be undergrounded; and

WHEREAS, if undergrounding of certain distribution facilities becomes necessary, the Department is in the best position to determine whether affected communication wires should be undergrounded with the Department's electric distribution facilities and to coordinate with responsible parties for the undergrounding of those wires and the disposition of remaining poles; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 21.68.070 of the Seattle Municipal Code, enacted by Ordinance 96796, is amended as follows:

21.68.070 ((Statement of fact.)) Procedure

~~((The installation and maintenance of))~~ This Subchapter II sets forth the circumstances and procedure for undergrounding of overhead wires, and appurtenances ((carrying any electric energy,)) including telephone, telegraph, CATV, fiber optic cables and other ((electric)) service in certain streets, public areas, and areas of the City in the First Hill ((area within the boundaries set forth in Section 21.68.080 has been, now is and will hereafter continue to be a possible source of danger to the inhabitants of the City and the persons using such streets and areas and the public necessity, convenience, safety and the general welfare require that all such

wires and appurtenances be removed and placed underground at the expense of those owning the same or any persons interested therein)) district.

Section 2. Section 21.68.090 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

21.68.090 Undergrounding required-Restoration of pavement and public utility equipment ((-))

The City Light Department is authorized to assess overhead electric facilities in the First Hill district consistent with its engineering standards. If the City Light Department determines that engineering standards require the undergrounding of overhead electric facilities, the Department will develop an undergrounding plan which may include the undergrounding of all electric and communication facilities attached to existing poles. If the City Light Department's plan calls for the undergrounding of communication facilities, the Department will provide notice to attachers on such facilities including the proposed disposition of poles. Upon receiving notice of intent to underground electric facilities, each entity ((Everyone)) owning, using, or maintaining such wires and appurtenances in said streets, alleys, and other public places ((are directed, ordered and required to commence forthwith and to prosecute and complete the work of placing such)) shall place the wires and appurtenances underground and ((of removing)) remove overhead facilities at the direction, under the supervision of, and in accordance with plans and specifications approved by the Seattle Department of Transportation in consultation with ((Seattle)) the City Light Department and Seattle Public Utilities as appropriate, and to thereafter cause to be restored to good condition and repair any pavements, sidewalks, sewer, water main, or public utility equipment or facilities disturbed in connection with such work, and shall thereafter maintain, remove, move, or replace such underground facilities on order of ((the)) The City of Seattle as the public interest may require. Pavement or sidewalk restoration and repair shall be completed to the satisfaction of the Seattle Department of Transportation; sewer, water main, or public utility equipment or facilities restoration and repair shall be completed to the satisfaction of Seattle Public Utilities; and electrical connections, and electrical equipment, wiring, or conduit restoration or repair, shall be completed to the satisfaction of the City Light Department.

Section 3. Section 21.68.100 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

21.68.100 ((CATV)) Communication connections ((.))

~~((When electrical,))~~ Upon receipt of notice of intent to underground electric facilities from the City Light Department, any affected owners or operators of telephone, telegraph, ((or)) CATV, fiber optic cables, or other ((electric)) services ((are available to customers from underground facilities)) within the district described in Section 21.68.080 ((, or a part thereof, the owners of the facilities or services shall notify the City Light Department and, under the Department's direction and supervision, the owners of the facilities or services)) shall ((then)) notify each ((such)) of their customers and/or property owners within the district ~~((, or such part thereof,))~~ that ~~((such))~~ the ((services)) service shall be thereafter available only from such underground facilities. When the construction of undergrounded facilities is completed, facility owners shall notify each of their customers and/or property owners of the date that overhead services will be terminated. Property owners and/or customers desiring continued electric services within ~~((said))~~ the district ~~((, or part thereof,))~~ shall, within 90 days of ~~((receipt of such))~~ receiving notice that overhead services will be terminated, provide at their own expense on their own property necessary underground facilities for conducting such services from such underground facilities to any building and structure on their property. ~~((, and the above notices shall so provide.))~~

Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

_____, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact:	CBO Contact:
Seattle City Light	Jeff Wolff	Greg Shiring

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to underground utility districts; authorizing the City Light Department to evaluate the risks presented by overhead facilities on streets and alleys in the First Hill district and to determine, based upon the Department’s engineering standards, whether electric facilities should be undergrounded and whether to dispose of remaining utility poles; and amending Sections 21.68.070, 21.68.090, and 21.68.100 of the Seattle Municipal Code.

Summary and Background of the Legislation: Ordinance 96796 was enacted in 1968 to require undergrounding of all electric distribution, telephone, telegraph, CATV, and other wires and facilities in the First Hill district and to provide for termination of overhead service to the district’s customers. The Department’s practice has been to replace the overhead cables in this district with an underground system when safety and new construction standards are triggered. To date, approximately 20 percent of the overhead cables have been replaced with an underground system. The Department has determined that certain overhead facilities in the First Hill district, not yet relocated under Ordinance 96796, can be maintained and operated safely without the requirement that they be undergrounded. Mandating the undergrounding of overhead facilities throughout the district is an overly broad approach. The Department’s construction-related costs are passed on to the ratepayer. Residents and businesses must, at their own expense, move the service connection point on their buildings and trench and install conduit to the new connection point in the right of way. Construction in the streets results in prolonged street closures, loss of parking and impacts local businesses. The more cost-effective, less burdensome approach is to allow the Department to exercise discretion. This amendment seeks to provide City Light with authority to identify when poles within an overhead system must be undergrounded to meet regulatory or safety standards. This amendment is especially critical now as City Light has multiple 4kV conversion projects in the First Hill district which impacts approximately four blocks, between East Harrison Street and East John Street, and 40 separate service addresses with approximately 650 customer accounts. Removing the mandate and giving the Department discretion will allow the Department to exercise its safety and reliability responsibilities with a fiscally prudent lens. Additionally, this amendment may eliminate unnecessary development costs and may facilitate the building of additional affordable housing.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? Yes No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? Yes X No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

Under the Department’s amendment, the Department would avoid the cost associated with undergrounding those facilities that would not otherwise need to be undergrounded. This is a more efficient use of city funds and less burdensome to ratepayers, residents and businesses.

Are there financial costs or other impacts of *not* implementing the legislation?

Yes. This amendment directs City Light to coordinate with the telecommunication companies to efficiently underground all affected facilities. Through this coordination, telecommunication companies will be required to remove their lines from poles enabling the Department to remove them from the right of way once all impacted facilities are undergrounded. There would be increased costs to building owners as electrical services will only be available from such underground facilities, requiring the modification of service connection points and construction of underground facilities at the customer and/or property owners’ expense.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

No.

b. Is a public hearing required for this legislation?

No.

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

d. Does this legislation affect a piece of property?

No.

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

An overly broad mandate to underground all overhead facilities in the First Hill district places an additional burden on building owners, including affordable housing providers and small businesses as electrical services will only be available from such underground facilities, requiring the modification of service connection points and construction of underground facilities at the customer and/or property owners’ expense. The undergrounding of electric utilities also poses a burden to the neighborhood, resulting from prolonged street closures and reduced availability of parking, impacting residents and small businesses in the community. The Department provides a multilingual notice to all residents of imminent construction projects occurring in a neighborhood. Depending on individual project scope

and impact, the Department may do more robust community outreach and engagement including public meetings, with appropriate translation and interpretation services provided.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

No

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

No.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?

No.



City Light First Hill Underground Ordinance Legislation

Economic Development, Technology & City Light Committee
June 14, 2023

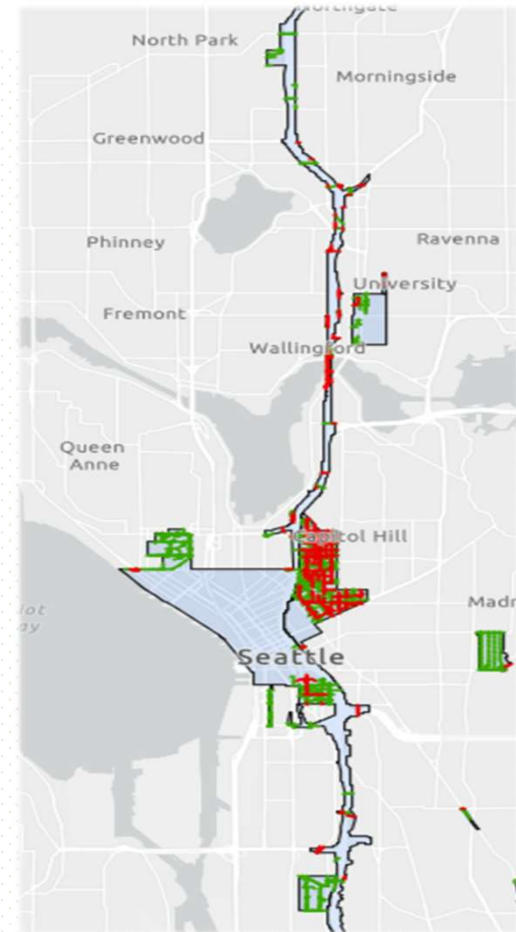


WE POWER SEATTLE

Mandatory Underground Districts (established in 1969)

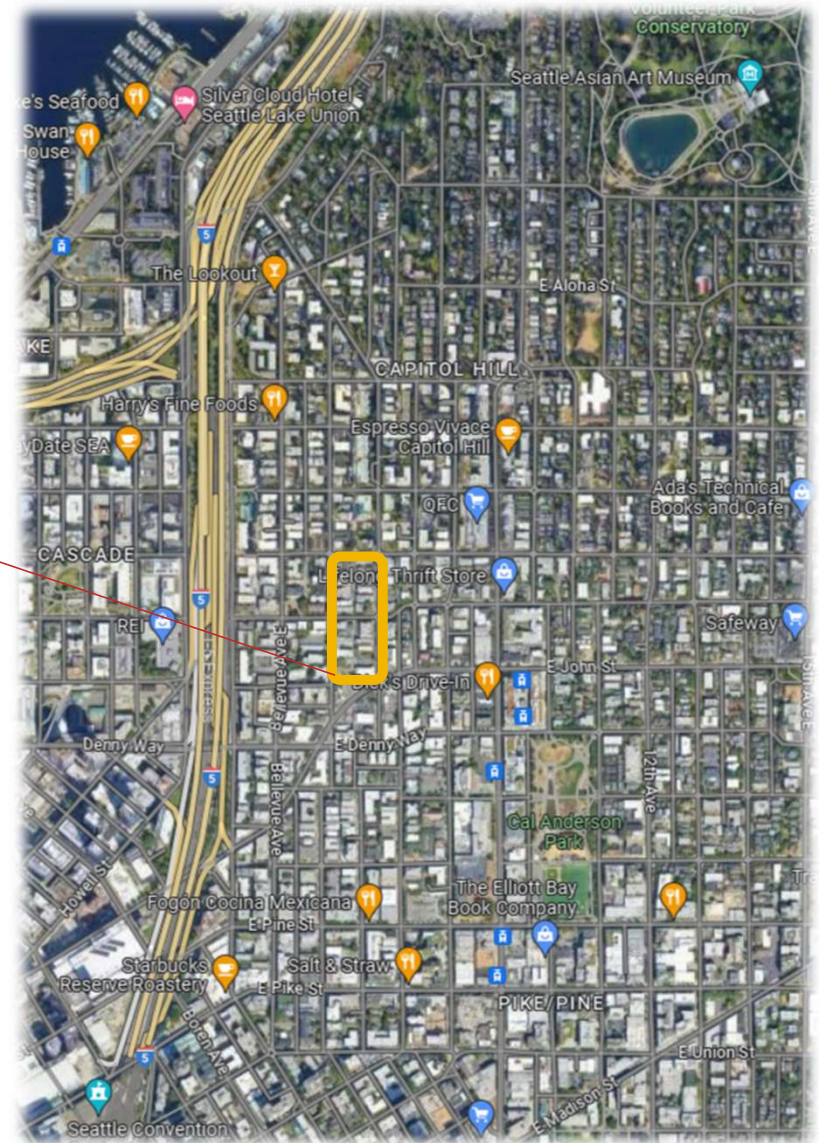
Status of Districts:

- Central Area-University District (mostly complete)
- South Seattle (complete)
- First Hill (only 20% complete)
- Leschi (complete)

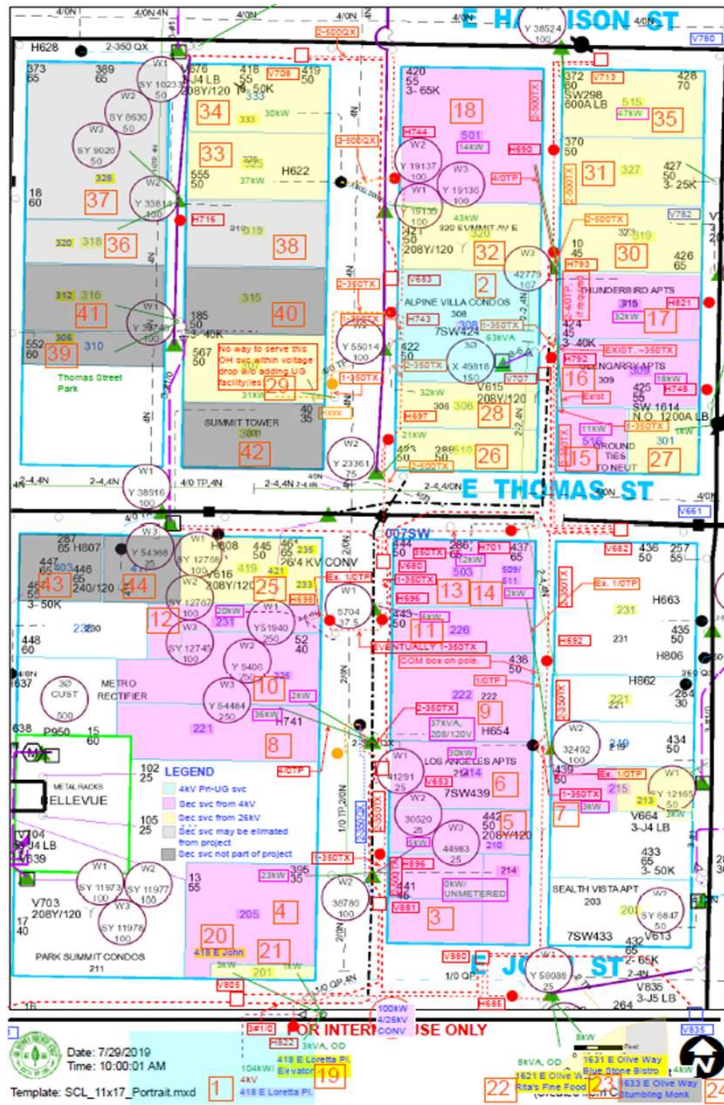


Why Now?

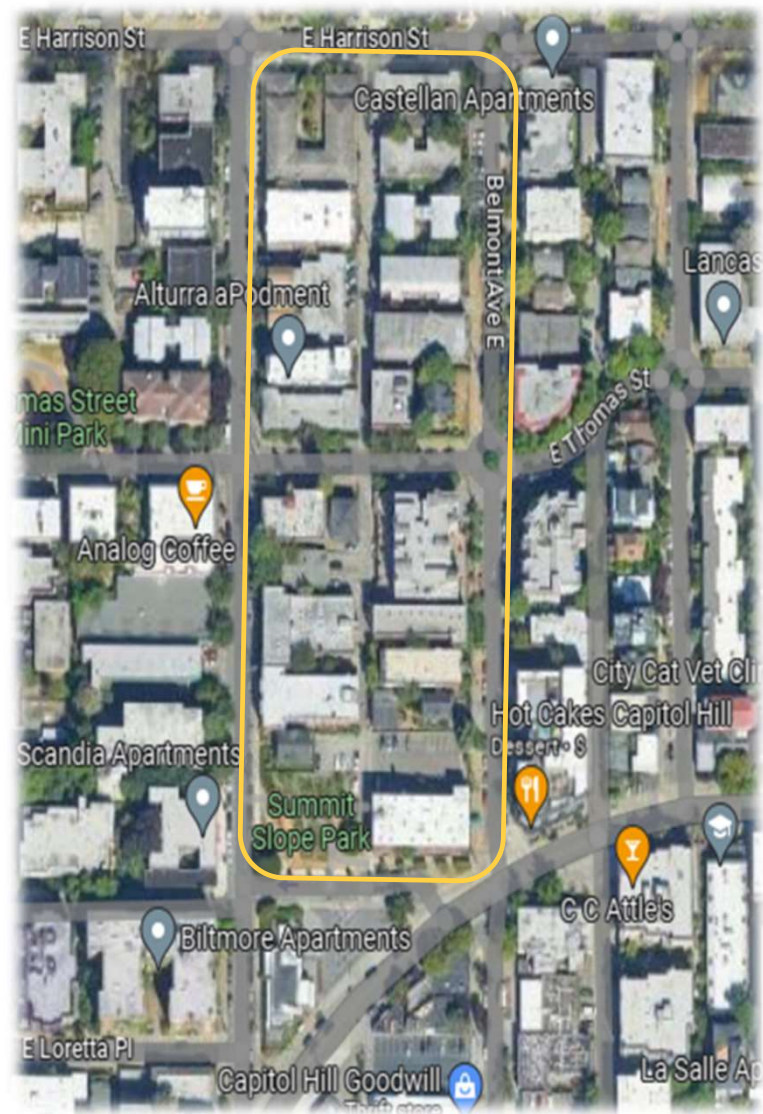
- 4kV cable needs conversion to 26kV
- ~four blocks impacted-between East Harrison Street and East John Street
- ~40 separate service addresses impacted
- ~650 customer accounts impacted



Summit Ave East



Belmont Ave East



Alley



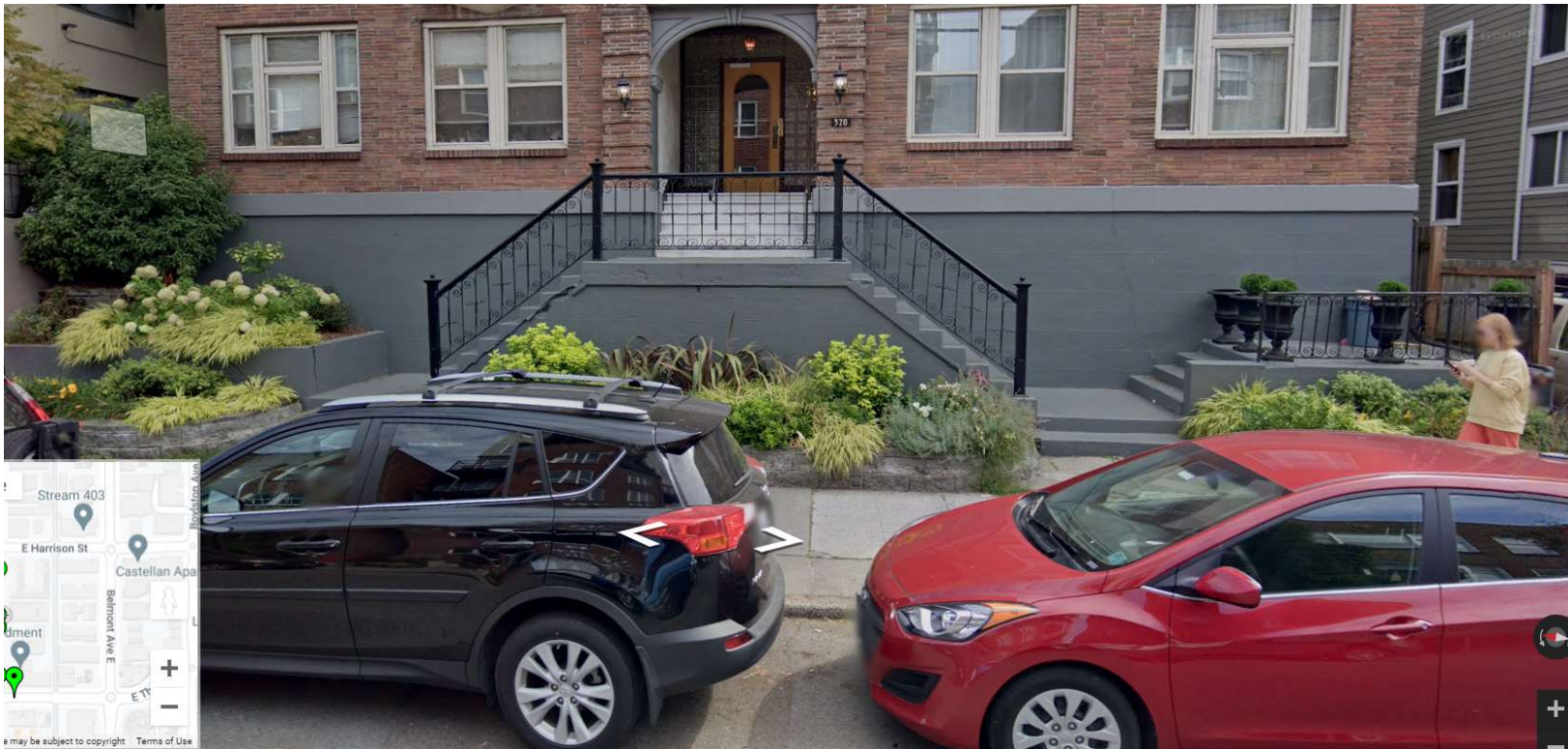
Harrison



Consequences of Mandatory Undergrounding

- District treated differently than other neighborhoods in the City without basis.
- Greater costs passed onto the general ratepayers.
- District customers must, at their expense, trench to underground hand hole electrical box.
- Service drops must move.
- Poles with communication lines and redundant system likely to remain.
- Greater loss of parking and use of streets.

Example on Summit Receiving Overhead 26kV



Ordinance Amends SMC to Allow SCL to

- Assess Overhead Facilities Consistent with Engineering Standards
- Develop Plan Consistent with Engineering Standards
- Discretion to Determine Disposition of Telecommunication Poles
- Lead Coordination with Affected Owners/Operators of Telecommunication Companies
- Set Schedule for Facility Removal and Establish Communications Down to Customers

THANK YOU

