



Legislation Text

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File #: CB 120594, Version: 1

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**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)