
HOUSE BILL 1613

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Grant and May.

Read first time February 4, 1991. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to state preemption of the siting of high voltage
2 electrical transmission lines; amending RCW 80.50.020; adding a new
3 section to chapter 80.32 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that high voltage
6 electrical transmission lines serve an essential public purpose. The
7 legislature further finds that electric utilities frequently serve
8 areas that include more than one county and that facilities in one
9 location often are essential features in the overall electrical
10 distribution system. Precluding the location of essential distribution
11 components such as high voltage electrical transmission lines in
12 certain locations can have adverse effects on the reliability of
13 electrical distribution systems and the price of electricity to
14 ratepayers.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 80.32 RCW
2 to read as follows:

3 Electrical companies and cities, towns, public utility districts,
4 irrigation districts, and nonprofit corporations engaged in the
5 distribution and sale of electricity may apply to locate high voltage
6 electrical transmission lines of one hundred fifteen thousand volts or
7 higher through either cognizant local governments or the energy
8 facility site evaluation council. Prior application through cognizant
9 local governments does not preclude later application through the
10 energy facility site evaluation council.

11 **Sec. 3.** RCW 80.50.020 and 1977 ex.s. c 371 s 2 are each amended to
12 read as follows:

13 (1) "Applicant" means any person who makes application for a site
14 certification pursuant to the provisions of this chapter;

15 (2) "Application" means any request for approval of a particular
16 site or sites filed in accordance with the procedures established
17 pursuant to this chapter, unless the context otherwise requires;

18 (3) "Person" means an individual, partnership, joint venture,
19 private or public corporation, association, firm, public service
20 company, political subdivision, municipal corporation, government
21 agency, public utility district, or any other entity, public or
22 private, however organized;

23 (4) "Site" means any proposed or approved location of an energy
24 facility;

25 (5) "Certification" means a binding agreement between an applicant
26 and the state which shall embody compliance to the siting guidelines,
27 in effect as of the date of certification, which have been adopted
28 pursuant to RCW 80.50.040 as now or hereafter amended as conditions to

1 be met prior to or concurrent with the construction or operation of any
2 energy facility;

3 (6) "Associated facilities" means storage, transmission, handling,
4 or other related and supporting facilities connecting an energy plant
5 with the existing energy supply, processing, or distribution system,
6 including, but not limited to, communications, controls, mobilizing or
7 maintenance equipment, instrumentation, and other types of ancillary
8 transmission equipment, off-line storage or venting required for
9 efficient operation or safety of the transmission system and overhead,
10 and surface or subsurface lines of physical access for the inspection,
11 maintenance, and safe operations of the transmission facility and new
12 transmission lines constructed to operate at nominal voltages in excess
13 of 200,000 volts to connect a thermal power plant to the northwest
14 power grid: PROVIDED, That common carrier railroads or motor vehicles
15 shall not be included;

16 (7) "Transmission facility" means any of the following together
17 with their associated facilities:

18 (a) Crude or refined petroleum or liquid petroleum product
19 transmission pipeline of the following dimensions: A pipeline larger
20 than six inches minimum inside diameter between valves for the
21 transmission of these products with a total length of at least fifteen
22 miles;

23 (b) Natural gas, synthetic fuel gas, or liquified petroleum gas
24 transmission pipeline of the following dimensions: A pipeline larger
25 than fourteen inches minimum inside diameter between valves, for the
26 transmission of these products, with a total length of at least fifteen
27 miles for the purpose of delivering gas to a distribution facility,
28 except an interstate natural gas pipeline regulated by the United
29 States federal power commission;

1 (8) "Independent consultants" means those persons who have no
2 financial interest in the applicant's proposals and who are retained by
3 the council to evaluate the applicant's proposals, supporting studies,
4 or to conduct additional studies;

5 (9) "Thermal power plant" means, for the purpose of certification,
6 any electrical generating facility using any fuel, including nuclear
7 materials, for distribution of electricity by electric utilities;

8 (10) "Energy facility" means an energy plant or transmission
9 facilities(~~(— PROVIDED, — That)~~). Also, upon application for
10 certification by an electrical company or city, town, public utility
11 district, irrigation district, or nonprofit corporation engaged in the
12 distribution and sale of electricity, "energy facility" also means a
13 high voltage electrical transmission line of any length to be
14 constructed to operate at one hundred fifteen thousand volts or higher.
15 The following are excluded from the provisions of this chapter:

16 (a) Facilities for the extraction, conversion, transmission or
17 storage of water, other than water specifically consumed or discharged
18 by energy production or conversion for energy purposes; and

19 (b) Facilities operated by and for the armed services for military
20 purposes or by other federal authority for the national defense;

21 (11) "Council" means the energy facility site evaluation council
22 created by RCW 80.50.030;

23 (12) "Counsel for [the] environment" means an assistant attorney
24 general or a special assistant attorney general who shall represent the
25 public in accordance with RCW 80.50.080;

26 (13) "Construction" means on-site improvements, excluding
27 exploratory work, which cost in excess of two hundred fifty thousand
28 dollars;

29 (14) "Energy plant" means the following facilities together with
30 their associated facilities:

1 (a) Any stationary thermal power plant with generating capacity of
2 two hundred fifty thousand kilowatts or more and floating thermal power
3 plants of fifty thousand kilowatts or more, including associated
4 facilities;

5 (b) Facilities which will have the capacity to receive liquified
6 natural gas in the equivalent of more than one hundred million standard
7 cubic feet of natural gas per day, which has been transported over
8 marine waters;

9 (c) Facilities which will have the capacity to receive more than an
10 average of fifty thousand barrels per day of crude or refined petroleum
11 or liquified petroleum gas which has been or will be transported over
12 marine waters, except that the provisions of this chapter shall not
13 apply to storage facilities unless occasioned by such new facility
14 construction;

15 (d) Any underground reservoir for receipt and storage of natural
16 gas as defined in RCW 80.40.010 capable of delivering an average of
17 more than one hundred million standard cubic feet of natural gas per
18 day; and

19 (e) Facilities capable of processing more than twenty-five thousand
20 barrels per day of petroleum into refined products;

21 (15) "Land use plan" means a comprehensive plan or land use element
22 thereof adopted by a unit of local government pursuant to chapters
23 35.63, 35A.63, or 36.70 RCW;

24 (16) "Zoning ordinance" means an ordinance of a unit of local
25 government regulating the use of land and adopted pursuant to chapters
26 35.63, 35A.63, or 36.70 RCW or Article XI of the state Constitution.