



King County
Records and Elections Division
Archives and Records Management
Department of
Executive Administration
King County Administration Building
500 Fourth Avenue Room 553
Seattle, WA 98104
(206) 296-1572

May 14, 1999

TO: DEPARTMENT POLICY/PROCEDURE MANUAL STATIONS

FM: Archives and Records Management

RE: **Distribution of Emergency Order RPM 12-1 (AEO)**

This memo transmits Emergency Order RPM 12-1 (AEO), "Designating Voluntary Process for Allowing Wireless Communication Companies Construction Access and Use of County Road Rights-of-Way". Though the order was approved October 15, 1998, it is now being distributed to Policy Manual Stations for the first time.

Please place the attached order in the AEO/AEP binder behind the RPM index tab. This Emergency Order is also available on the King County web page at <http://www.metrokc.gov/recelec/archives/polindx.htm>. If you have any questions, please contact Garth Fell at 296-1572.





Title Emergency Order Designating Voluntary Process for Allowing Wireless Communication Companies Construction Access and Use of County Road Rights-of-Way	Document Code No. RM 12 - 1 (AEO)
Department/Issuing Agency County Executive's Office	Effective Date. October 15, 1998
Approved	

An Emergency Order establishing an interim process for allowing wireless telecommunication companies construction access for immediate use of the county-owned road rights-of-way which shall be coordinated by the Office of Cable Communications, Department of Information and Administrative Services and executed by the Property Services Division, Department of Construction and Facilities Management and which shall be effective until such time as the wireless telecommunication company enters into a franchise with King County for the use of the rights-of-way.

WHEREAS, wireless telecommunication services including cellular, personal communication ("pc's"), specialized mobile radio, paging, data services, and other similar services that currently exist or that may be developed in the future, and

WHEREAS, wireless telecommunications services and facilities comprise a rapidly growing segment of the communication industry with benefits to King County and its associated communities; and

WHEREAS, many wireless telecommunication providers wish to immediately site antennas on existing poles in county road rights-of-way to meet demands of the public; and

WHEREAS, the county utilizes franchise agreements in the siting of cable communications within county road rights-of-way as a means to adequately compensate protect and enhance the interests of the county and its citizens; and

WHEREAS, the County Executive intends to propose an ordinance ("Telecommunications Ordinance") to the County Council authorizing and regulating the siting of telecommunications facilities in county road rights-of-way in a manner similar to cable franchises and that the development and drafting of such ordinance is underway; and

WHEREAS, the county has existing procedures to review and issue utility permits for rights-of-way construction and use which may be adaptable to telecommunications facility siting on an interim and voluntary basis; and

WHEREAS, the county recognizes that wireless telecommunication facilities may have land use and aesthetic impacts on neighborhoods if not sited carefully; and

WHEREAS, the county recognizes that wireless telecommunications facilities may generate interference problems with emergency and other public communication and transportation facilities if not sited carefully; and

WHEREAS, the King County Council passed Ordinance 13129 allowing wireless telecommunication providers to locate equipment on King County road rights-of-way; and

WHEREAS, the county recognizes that the siting of wireless telecommunication facilities constitutes a viable industry within King County and its environs, contributing to the economic development of the region, and that the unregulated siting of telecommunication facilities in road rights-of-way may have economic impacts upon businesses, governments and persons; and

WHEREAS, the county also recognizes that it is in the public's best interest to have access to wireless telecommunication services, particularly in emergency situations.

NOW, THEREFORE, the King County Executive hereby makes and proclaims the following Order:

1. Effective immediately, a process shall be developed for reviewing and deciding immediate requests for the siting of wireless telecommunication facilities in the county road rights-of-way, consistent with this Order. In exchange for the processing of such requests prior to the adoption of the Telecommunications Ordinance by King County, the permittee shall agree to fully comply with all requirements of this Order, permit conditions, county procedures and policies and all applicable laws and regulations. Such agreement shall be in writing.
2. The Office of Cable Communications, Department of Information and Administrative Services shall be responsible for coordinating the processing of requests to place wireless telecommunication facilities in the county road rights-of-way and the Property Services Division shall, at the direction of the Office of Cable Communications, process these requests using the same process set forth in KCC 14.44, but these permits shall be known as Wireless Telecommunications Permits.
3. The Property Services Division shall ensure that, when appropriate, the environmental and land use reviews required by Ordinance 13129 and other applicable laws and regulations are carried out by the Department of Development and Environmental Services and appropriate technical reviews are carried out by the various custodial agencies.
4. The Property Services Division is hereby authorized, when appropriate reviews have been completed including a determination that the wireless telecommunication service provider has an immediate need for placement of a wireless telecommunications device in the rights-of-way, to issue permits to govern the siting and operation of wireless telecommunications facilities in county road rights-of-way. Permits apply to new wireless telecommunication support structures and attachments to poles already placed and existing in the road rights-of-way in accordance with existing utility franchises.
5. The Wireless Telecommunication Permits shall include special conditions which:
 - Provide the county the same rights and protections as are included in existing utility franchises including, but not limited to, the provisions governing the installation, repair, removal or relocation of facilities at no cost to the county;
 - Ensure, protect and not interfere with the county's provision of transportation and emergency services;

- Require restoration of the rights-of-way to the satisfaction of the applicable custodial county agency and to the pre-work condition of that rights-of-way;
 - Require the permittee to move any and all wireless telecommunication structures from the County road rights-of-way, without cost to the County, when required by the County.
 - Require appropriate levels of bonding.
 - Allow the permittee access and use of the county rights-of-way upon agreement that the permittee shall comply with the upcoming Telecommunications Ordinance within one year of the effective date of that Ordinance including compliance with the compensation provisions of that Ordinance as of the effective date of the issued permit; and
 - Provide that the Wireless Telecommunications Permit is revocable should the permittee not comply with the upcoming Telecommunications Ordinance;
 - Are necessary to protect the health, welfare, safety, environment and other interests and rights of the citizens of King County.
 - New and replacement wireless telecommunication transmission support structures shall, to the extent practicable reflect the visual characteristics of the existing utility poles in the County road rights-of-way, and shall comply with road and safety standards, sensitive area requirements and other County codes and regulations.
 - Require adequate monthly compensation, increased 5% in annual increments, for the use of public property as follows:
 - \$1,000 per month for antenna attachments to existing poles.
 - \$1,750 per month for new wireless telecommunication transmission support structures and peripheral infrastructure.
 - Fees for all other telecommunication transmission equipment shall be as negotiated by the King County Office of Cable Communications and the permittee.
6. This order shall remain in effect until such time as franchise agreements with affected permittees are in place or until this Order is rescinded, whichever occurs first.

DATED THIS 15TH DAY OF October, 1998.

Ron Sims
King County Executive

ATTEST:



Manager, Records and Elections