

From: [John Norris](#)
To: [Keith Scully](#); [Betsy Robertson](#); [Laura Mork](#); [Doris McConnell](#); [Eben Pabee](#); [John Ramsdell](#); [Chris Roberts](#)
Cc: [Debbie Tarry](#); [Margaret King](#); [Tricia Juhnke](#); [Pollie McCloskey](#); [Heidi Costello](#); [Jessica Simulcik Smith](#)
Subject: Proposed amendment to Deferred Underground Facilities Code for May 23rd Council discussion
Date: Monday, May 23, 2022 12:35:25 PM
Attachments: [20220523 SR - Discussion of Ord 966 Deferred Underground Facilities - Council Memo.docx](#)
[image001.png](#)
[image002.png](#)

Council,

Attached is a short memo that outlines an amendment I would like to propose to the Deferred Underground Facilities Codes language that you will be discussing at tonight's meeting (agenda item 9a). We will include this memo as a green folder item as well. This relates to the timelines of Seattle City Light pole and electrical facility removal from then Right-of-way once the interim poles are no longer needed following the completion of their underground project. Please let me know if you have any questions about this. Thanks.

John

John Norris

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Memorandum

DATE: May 23, 2022

TO: Shoreline City Councilmembers

FROM: John Norris, Assistant City Manager

RE: Proposed Amendment to SMC 13.20.060 - Deferred Underground Facilities

CC: Debbie Tarry, City Manager
Margaret King, City Attorney
Julie Ainsworth-Taylor, Assistant City Attorney
Tricia Juhnke, City Engineer

Tonight, Council will be discussing proposed Ordinance No. 966, which would amend Shoreline Municipal Code (SMC) Section 13.20.060 to add new code language for Deferred Underground Facilities. Proposed SMC Subsection 13.20.060(I) relates to the requirements for the electrical utility provider (Seattle City Light; SCL) regarding Deferred Underground Facilities.

Since the staff report for this discussion item was issued on May 16, staff has received additional feedback from SCL regarding this proposed Code section. As SCL often has telecommunication, cable and/or fiber optic service providers attach their wires to SCL power poles, when power poles are removed from the right-of-way (ROW), there is a process SCL undertakes with these other service providers, often called 'pole attachers', to remove their overhead wires from SCL poles. SCL gives each pole attacher a certain amount of time to remove their overhead wire from the pole, and then that pole attacher communicates to another pole attacher to remove their wire(s). This sequencing of wire removal occurs until all overhead telecommunication wires are removed from the pole. SCL typically then returns to the ROW to remove the pole itself.

As proposed SMC Subsection 13.20.060(I)(2) relates to interim pole removal once SCL's pending underground capital project (5th Avenue Duct Bank Project) is complete, SCL wants to make sure there is adequate time to have all of the pole attachers remove their wires before SCL removes their poles. The current proposed Code language in Ordinance No. 966 provides SCL 90 days to remove their electrical facilities (pole and wires) in its entirety. Given that SCL does not know how many future pole attachers there may be on any given pole and given that not all pole attachers strictly follow the 30-day timeline given by SCL to remove their overhead wires, 90 days is not enough time for SCL to comply with this code section.

In working with SCL, staff is now recommending an amendment to proposed SMC Subsection 13.20.060(I)(2). This amendment would allow for a 10-month process where SCL would remove their overhead electrical wires and infrastructure first, which is common practice, followed by the potential pole attachers removing their wires, followed by the final removal of the poles themselves. SCL would be given two months at the outset to complete their first piece of removal work, followed by six months of time for pole attachers to remove all of their wires, finally followed by an additional two months for SCL to remove the pole from the ROW.

The proposed code amendment is as follows (in strikethrough/underline format). Staff will also present this as part of the presentation at tonight's Council meeting. If Council is supportive of this proposed amendment, staff can include this language in the final proposed Ordinance No. 966 when it is brought back to Council for action on June 6, 2022.

SMC 13.20.060 - Deferred Underground Facilities

I. The electrical utility provider shall:

- 1. Ensure that the interim overhead electrical facilities installed in the right-of-way be designed and constructed so that minimum clearance requirements applicable to the electrical facilities do not preclude future development of the site up to the minimum setbacks required by Chapter 20.50 SMC, or other applicable SMC or EDM provisions, without design departures.*
- 2. Upon completion of the electrical utility provider's pending capital underground project, the interim overhead electrical facilities shall be deemed abandoned and shall be removed from the right-of-way at the electrical utility provider's sole expense ~~no later than ninety (90) calendar days of such connection~~, provided that the City may grant an exemption to the removal of the interim overhead facilities if those facilities are necessary to serve existing development. The electrical utility provider shall remove their interim overhead electrical wires and other electrical fixtures and equipment from the interim electrical utility poles within sixty (60) calendar days of the completion of their capital underground project. All non-electrical facility attachers shall then remove their facilities from the interim electrical utility poles within 180 calendar days of the electrical utility provider's removal of their electrical wires. The electrical utility provider shall then remove their interim electrical utility poles within sixty (60) calendar days of the final non-electrical facility attacher removing their facilities.*

J. If the electrical utility provider fails to comply with subsection I, the City may engage in enforcement provisions against such utility provider as authorized by State Law, the SMC or the City's Electrical Utility System Franchise Agreement, as may be applicable. Nothing in this provision shall preclude the City from pursuing additional or other legal remedies.