



## **GARFIELD COUNTY PUBLIC WORKS DEPARTMENT**

TO: WHOM IT MAY CONCERN

FROM: WALTER G. MORGAN, P.E.  
DIRECTOR OF PUBLIC WORKS/COUNTY ENGINEER

SUBJECT: FRANCHISING PROCESS

Pursuant to the authority provided in RCW 36.55 and in accordance with Garfield County's Accommodation of Utilities on County Road Right-of-Way Policy, the Board of Garfield County Commissioners may grant a non exclusive franchise to use the right-of-way of county roads for the construction and maintenance of waterworks, gas pipes, telephone, telegraph, and electric light lines, sewers and any other such facilities and right to build and maintain tramroads and railway roads upon county roads. To apply for a franchise, complete the application and submit to address listed on the application form along with the appropriate Fee as set forth in the Garfield County's Accommodation of Utilities Policy. Refer to the Garfield Counties Accommodation of Utilities Policy to determine whether or not a franchise is required.

This office will review all applications received and make contact with the applicant for additional information as required. Once all the required additional information is received and reviewed, the application process will be considered complete. Once the application process is completed, the county will schedule a public hearing date and time with the Board of County Commissioners. Scheduling a hearing on the application with the Board of County Commissioners does not imply this Department is for or against the issuance of a franchise, only that the application contains sufficient information to proceed to a public hearing.

It may take up to thirty (30) days from the date that the application process is complete until a public hearing is held and final consideration of your application can be given by the Board of County Commissioners. The Board of County Commissioners reserve the right to reject completely or accept applications as submitted. The Board of County Commissioners also reserve the right to impose any kind of special franchise conditions as part of the final consideration given. Once the final consideration is given by the Board of County Commissioners, a formal Franchise Agreement will be forwarded to the Applicant for Signature. The Applicant will be required to sign and have notarize the Certificate of Acceptance page included in the Franchise Agreement and return the original to the County for final execution and recording. A copy will then be returned to the applicant.

If you have other questions concerning the process or how to complete the form, please call this office at (509) 843-1301.

Garfield County's Accommodation of Utilities Policy was developed based on RCW 36.55.

***For informational purposes, the following are those sections of the Revised Code of Washington.***

**Chapter 36.55 RCW  
Franchises on roads and bridges**

**36.55.010 Pipe line and wire line franchises on county roads.**

Any board of county commissioners may grant franchises to persons or private or municipal corporations to use the right-of-way of county roads in their respective counties for the construction and maintenance of waterworks, gas pipes, telephone, telegraph, and electric light lines, sewers and any other such facilities.

[1963 c 4 § 36.55.010. Prior: 1961 c 55 § 2; prior: 1937 c 187 § 38, part; RRS § 6450-38, part.]

**36.55.020 Cattleguards, tramroad, and railway rights.**

Any board of county commissioners may grant to any person the right to build and maintain tramroads and railway roads upon county roads under such regulations and conditions as the board may prescribe, and may grant to any person the right to build and maintain cattleguards across the entire right-of-way on any county road, under such regulations and conditions as the board may prescribe: PROVIDED, That such tramroad or railway road shall not occupy more than eight feet of the county road upon which the same is built and shall not be built upon the roadway of such county road nor in such a way as to interfere with the public travel thereon.

[1963 c 4 § 36.55.020. Prior: 1941 c 138 § 1; 1937 c 187 § 39; Rem. Supp. 1941 § 6450-39.]

**36.55.030 Franchises on county bridges.**

Any board of county commissioners may grant franchises upon bridges, trestles, or other structures constructed and maintained by it, severally or jointly with any other county or city or town of this state, or jointly with any other state or any county, city or town of any other state, in the same manner and under the same provisions as govern the granting of franchises on county roads.

[1963 c 4 § 36.55.030. Prior: 1937 c 187 § 40; RRS § 6450-40.]

**36.55.040 Application — Notice of hearing.**

On application being made to the county legislative authority for franchise, it shall fix a time and place for hearing the same, and shall cause the county auditor to give public notice thereof at the expense of the applicant, by posting notices in three public places in the county seat of the county at least fifteen days before the day fixed for the hearing. The county legislative authority shall also publish a like notice two times in the official newspaper of the county, the last publication to be not less than five days before the day fixed for the hearing. The notice shall state the name or names of the applicant or applicants, a description of the county roads by reference to section, township and range in which the county roads or portions thereof are physically located, to be included in the franchise for which the application is made, and the time and place fixed for the hearing.

[1985 c 469 § 49; 1963 c 4 § 36.55.040. Prior: 1961 c 55 § 3; prior: 1937 c 187 § 38, part; RRS § 6450-38, part.]

**36.55.050 Hearing — Order.**

The hearing may be adjourned from time to time by the order of the board of county commissioners. If, after the hearing, the board deems it to be for the public interest to grant the franchise in whole or in part, it may make and enter a resolution to that effect and may require the applicant to place his utility and its appurtenances in such location on or along the county road as the board finds will cause the least interference with other uses of the road.

[1963 c 4 § 36.55.050. Prior: 1961 c 55 § 4; prior: 1937 c 187 § 38, part; RRS § 6450-38, part.]

**36.55.060 Limitations upon grants.**

(1) Any person constructing or operating any utility on or along a county road shall be liable to the county for all necessary expense incurred in restoring the county road to a suitable condition for travel.

(2) No franchise shall be granted for a period of longer than fifty years.

(3) No exclusive franchise or privilege shall be granted.

(4) The facilities of the holder of any such franchise shall be removed at the expense of the holder thereof, to some other location on such county road in the event it is to be constructed, altered, or improved or becomes a primary state highway and such removal is reasonably necessary for the construction, alteration, or improvement thereof.

(5) Counties shall, in the predesign phase of construction projects involving relocation of sewer and/or water facilities, consult with public utilities operating water/sewer systems in order to coordinate design.

[2007 c 31 § 6; 1963 c 4 §36.55.060 . Prior: 1961 c 55 § 5; prior: 1937 c 187 § 38, part; RRS § 6450-38, part.]

**36.55.070 Existing franchises validated.**

All rights, privileges, or franchises granted or attempted to be granted by the board of county commissioners of any county prior to April 1, 1937, when such board of county commissioners was in regular or special session and when the action of such board is shown by its records, to any person to erect, construct, maintain, or operate any railway or poles, pole lines, wires, or any other thing for the furnishing, transmission, delivery, enjoyment, or use of electric energy, electric power, electric light, and telephone connection therewith, or any other matter relating thereto; or to lay or maintain pipes for the distribution of water, or gas, or to or for any other such facilities in, upon, along, through or over any county roads, are confirmed and declared to be valid to the extent that such rights, privileges, or franchises specifically refer or apply to any county road or county roads, or to the extent that any such county road has prior to April 1, 1937, been actually occupied by the bona fide construction and operation of such utility, and such rights, privileges, and franchises hereby confirmed shall have the same force and effect as if the board of county commissioners prior to the time of granting said rights, privileges, and franchises, had been specifically authorized to grant them.

[1963 c 4 § 36.55.070. Prior: 1937 c 187 § 41; RRS § 6450-41.]

**36.55.080 Record of franchises.**

The board of county commissioners shall cause to be recorded with the county auditor a complete record of all existing franchises upon the county roads of its county and the auditor shall keep and maintain a currently correct record of all franchises existing or granted with the information describing the holder of the franchise, the purpose thereof, the portion of county road over or along which granted, the date of granting, term for which granted, and date of expiration, and any other information with reference to any special provisions of such franchises.

[1963 c 4 § 36.55.080. Prior: 1937 c 187 § 42; RRS § 6450-42.]

# Garfield County

Department of Public Works  
PO Box 160  
Pomeroy, WA 99347  
PH: (509) 843-1301 FAX: (509) 843-1412  
www.co.garfield.wa.us

## APPLICATION FOR FRANCHISE

Date Received:

Franchise Number:

### APPLICANT (OWNER OR COMPANY)

Name/Company

Address

City: State

Phone: E-Mail (optional)

Signature:

### LOCATION & DESCRIPTION OF FRANCHISE FACILITY

**Franchise Type:**

(check all that apply)

Project Specific

County Wide

(blanket)

Renewal

New

**Franchise Use:**

(check all that apply)

Water

Sewer

Solid/Liquefied Waste

Electric

Natural Gas

Oil/Petroleum

Fiber Optic

Cable TV

Telecommunications

Oil/Petroleum

Fiber Optic

Other \_\_\_\_\_

(describe)

**Methods of Construction:**

(check all that apply)

Boring

Trenching

Plowing

Aerial

Other

### **APPLICANT INSTRUCTIONS (Please Read)**

- 1) Please print information Clearly and Neatly and be complete with the Location & Description of franchise being requested.
- 2) Prior to any and all work, the Applicant is required to obtain any necessary permits and approvals, including but not limited to Right-of-Way Use Permits, Conditional Use Permits, etc.
- 3) Franchises are required for persons or private or municipal corporations or any other entity that need to use, enter upon, cross, go under County Road Right-of-Way for the purpose of constructing, maintaining, operating, etc. **a utility or other similar type of facility**, including any appliances and appurtenances in connection there with. Most individual, private, and single residential/farm utility installations on county right-of-way that only affect one property owner do not require franchises.
- 4) Franchise Conditions and requirements are set forth by RCW 36.55 and Garfield County's Accommodation of Utilities Policy.
- 5) Franchise Fee's and Charges are set forth by Garfield County's Accommodation of Utilities Policy. Applicants are required to reimburse the County for any and all costs that are in excess of the basic fees paid with the application. The appropriate application fee must be submitted with the application.
- 6) Upon the county receiving an application, the county will fix a time and place for a public hearing and a public notice will be posted in three public places in the county seat of the county at least fifteen days before the day fixed for the hearing. The county will also have published a like notice two times in the official newspaper of the county, the last publication to be not less than five days before the day fixed for the hearing. The notice will state the name or names of the applicant or applicants, a description of the county roads by reference to section, township and range in which the county roads or portions thereof are physically located, what is to be included in the franchise for which the application is made, and the time and place fixed for the hearing by the Board of County Commissioners. It may take up to thirty (30) days from the date that the application process is complete until a public hearing is held and final consideration of your application can be given by the Board of County Commissioners.
- 7) Applications must be returned to the **Garfield County Public Works – 19<sup>th</sup> and Arlington – PO Box 160 - Pomeroy, WA 99347**. If you have any questions, please call Garfield County Public Works at (509)843-1301. **Garfield County Public Work will contact**