

# HOUSE BILL No. 5707

March 18, 1992, Introduced by Reps. Martin, DeLange, Jaye, DeMars, Fitzgerald, London, Oxender, McNutt and Gilmer and referred to the Committee on Public Utilities.

A bill to amend section 13 of Act No. 368 of the Public Acts of 1925, entitled as amended

"An act to prohibit obstructions and encroachments on public highways, to provide for the removal thereof, to prescribe the conditions under which telegraph, telephone, power, and other public utility companies, cable television companies and municipalities may enter upon, construct and maintain telegraph, telephone, power or cable television lines, pipe lines, wires, cables, poles, conduits, sewers and like structures upon, over, across or under public roads, bridges, streets and waters and to provide penalties for the violation of this act,"

as amended by Act No. 215 of the Public Acts of 1989, being section 247.183 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 13 of Act No. 368 of the Public Acts of  
2 1925, as amended by Act No. 215 of the Public Acts of 1989, being  
3 section 247.183 of the Michigan Compiled Laws, is amended to read  
4 as follows:

1        Sec. 13. (1) Telegraph, telephone, power, and other public  
 2 utility companies, ~~and~~ cable television companies, and  
 3 municipalities ~~are authorized to~~ MAY enter upon, construct, and  
 4 maintain telegraph, telephone, or power lines, pipe lines, wires,  
 5 cables, poles, conduits, sewers ~~and like~~ OR SIMILAR structures  
 6 upon, over, across, or under any public road, bridge, street, or  
 7 public place, ~~except~~ INCLUDING, SUBJECT TO SUBSECTION (2), lon-  
 8 gitudinally within limited access highway rights of way, and  
 9 across or under any of the waters in this state, with all neces-  
 10 sary erections and fixtures for that purpose. A telegraph, tele-  
 11 phone, power, and other public utility company, cable television  
 12 company, and municipality, before any of this work is commenced,  
 13 shall first obtain the consent of the governing body of the city,  
 14 village, or township through or along which these lines and poles  
 15 are to be constructed and maintained.

16        (2) ~~The state transportation department may permit a~~ A  
 17 utility as defined in 23 C.F.R. 645.105(m) ~~to~~ MAY enter upon,  
 18 construct, and maintain utility lines and structures ~~—~~ longitu-  
 19 dinally within limited access highway rights of way in accordance  
 20 with standards approved by the state transportation commission  
 21 ~~. Such lines and structures shall be underground or otherwise~~  
 22 ~~constructed so as not to be visible. The standards shall~~ THAT  
 23 conform to governing federal laws and regulations. ~~and~~ THE  
 24 STANDARDS may provide for the imposition of a reasonable charge  
 25 for longitudinal use of limited access highway rights of way.  
 26 The imposition of ~~such~~ A reasonable ~~charges constitutes~~  
 27 CHARGE IS a governmental function, offsetting a portion of the

1 capital and maintenance expense of the limited access highway,  
2 and is not a proprietary function. All revenue received under  
3 this subsection shall be used for capital and maintenance  
4 expenses incurred for limited access highways.