

Act No. 306
Public Acts of 1994
Approved by the Governor
July 13, 1994
Filed with the Secretary of State
July 14, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Senators Hoffman Berryman and Carl

ENROLLED SENATE BILL No. 1008

AN ACT 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

Section 1 Section 13 of Act No 368 of the Public Acts of 1925 as amended by Act No 215 of the Public Acts of 1989 being section 247 183 of the Michigan Compiled Laws is amended to read as follows

Sec 13 (1) Telegraph telephone power and other public utility companies cable television companies and municipalities may enter upon construct and maintain telegraph telephone or power lines pipe lines wires cables poles conduits sewers or similar structures upon over across or under any public road bridge street or public place including subject to subsection (2) longitudinally within limited access highway rights of way and across or under any of the waters in this state with all necessary erections and fixtures for that purpose A telegraph telephone power and other public utility company cable television company and municipality before any of this work is commenced shall first obtain the consent of the governing body of the city village or township through or along which these lines and poles are to be constructed and maintained

(2) A utility as defined in 23 C F R 645 105(m) may enter upon construct and maintain utility lines and structures longitudinally within limited access highway rights of way in accordance with standards approved by the state transportation commission that conform to governing federal laws and regulations The standards shall require that the lines and structures be underground and be placed in a manner that will not increase highway maintenance costs for the state transportation department The standards may provide for the imposition of a reasonable charge for longitudinal use of limited access highway rights of way The imposition of a reasonable charge is a governmental function offsetting a portion of the capital and maintenance expense of the limited access highway and is not a proprietary function The charge shall be calculated to reflect a 1 time installation permit fee that shall not exceed \$1 000 00 per mile of longitudinal use of limited access highway rights of way with a minimum fee of \$5 000 00 per permit All revenue received under this subsection shall be used for capital and maintenance expenses incurred for limited access highways

This act is ordered to take immediate effect

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor