



# SENATE BILL No. 1008

February 8, 1994, Introduced by Senators HOFFMAN, BERRYMAN and CARL and referred to the Committee on Technology and Energy

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 SHALL REQUIRE THAT THE LINES AND STRUCTURES BE  
 25 UNDERGROUND   THE STANDARDS SHALL NOT BE MORE BURDENSOME OR MORE  
 26 COSTLY FOR THE STATE TRANSPORTATION DEPARTMENT OR THE UTILITY TO  
 27 ADMINISTER THAN THE STANDARDS APPLIED TO NONLIMITED ACCESS STATE

1 HIGHWAY RIGHTS-OF-WAY UTILITY CONSTRUCTION IF THE STATE  
2 TRANSPORTATION COMMISSION DOES NOT APPROVE STANDARDS BY  
3 DECEMBER 31, 1994, THE STANDARDS IN USE FOR NONLIMITED ACCESS  
4 STATE HIGHWAY RIGHTS-OF-WAY AT THE EFFECTIVE DATE OF THE AMENDA-  
5 TORY ACT THAT ADDED THIS SENTENCE SHALL APPLY AFTER DECEMBER 31,  
6 1994, TO LIMITED ACCESS STATE HIGHWAY RIGHTS-OF-WAY THE  
7 STANDARDS may provide for the imposition of a reasonable charge  
8 for longitudinal use of limited access highway rights of way  
9 The imposition of ~~such~~ A reasonable ~~charges constitutes~~  
10 CHARGE IS a governmental function, offsetting a portion of the  
11 capital and maintenance expense of the limited access highway  
12 and is not a proprietary function THE CHARGE SHALL BE CALCU-  
13 LATED IN A MANNER CONSISTENT WITH AND SHALL NOT EXCEED THE PERMIT  
14 FEES FOR ACCESS TO OTHER TYPES OF STATE HIGHWAY RIGHTS-OF-WAY  
15 All revenue received under this subsection shall be used for cap-  
16 ital and maintenance expenses incurred for limited access  
17 highways