

SENATE BILL No. 1050

June 6, 2018, Introduced by Senators STAMAS, HORN, KNEZEK, HANSEN and SCHMIDT and referred to the Committee on Energy and Technology.

A bill to amend 1925 PA 368, entitled

"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,"

by amending the title and sections 13 and 14 (MCL 247.183 and 247.184), section 13 as amended by 2005 PA 103.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to prohibit obstructions and encroachments on public highways; ~~to provide for the removal thereof,~~ **OF OBSTRUCTIONS AND ENCROACHMENTS ON PUBLIC HIGHWAYS;** to prescribe the conditions under which telegraph, telephone, power, and other public utility

1 companies, cable television companies, **BROADBAND COMPANIES**, and
 2 municipalities may enter upon, construct, and maintain telegraph,
 3 telephone, power, ~~or cable television, lines, OR BROADBAND LINES~~,
 4 pipe lines, wires, cables, poles, conduits, sewers, and like
 5 structures upon, over, across, or under public roads, bridges,
 6 streets, and waters; and to ~~provide~~ **PRESCRIBE** penalties for the
 7 ~~violation of this act.~~ **AND PROVIDE REMEDIES.**

8 Sec. 13. (1) Except as otherwise provided under subsection
 9 (2), telegraph, telephone, power, and other public utility
 10 companies, cable television companies, **BROADBAND COMPANIES**, and
 11 municipalities may enter upon, construct, and maintain telegraph,
 12 telephone, or power lines, pipe lines, wires, cables, poles,
 13 conduits, sewers or similar structures upon, over, across, or under
 14 any public road, bridge, street, or public place, including,
 15 longitudinally within limited access highway rights-of-way, and
 16 across or under any of the waters in this state, with all necessary
 17 erections and fixtures for that purpose. A telegraph, telephone,
 18 power, and other public utility company, cable television company,
 19 **BROADBAND COMPANY**, and municipality, before any of this work is
 20 commenced, shall first obtain the consent of the governing body of
 21 the city, village, or township through or along which these lines
 22 and poles are to be constructed and maintained.

23 (2) A utility as defined in 23 CFR ~~645.105(m)~~ **645.105** may
 24 enter upon, construct, and maintain utility lines and structures,
 25 including pipe lines, longitudinally within limited access highway
 26 rights-of-way and under any public road, street, or other
 27 subsurface that intersects any limited access highway at a

1 different grade, in accordance with standards approved by the state
2 transportation commission and the Michigan public service
3 commission that conform to governing federal laws and regulations
4 and is not required to obtain the consent of the governing body of
5 the city, village, or township as required under subsection (1).

6 The standards shall require that the lines and structures be
7 underground and be placed in a manner that will not increase
8 highway maintenance costs for the state transportation department.

9 The standards may provide for the imposition of a reasonable charge
10 for longitudinal use of limited access highway rights-of-way. The
11 imposition of a reasonable charge is a governmental function,
12 offsetting a portion of the capital, maintenance, and permitting
13 expense of the limited access highway, and is not a proprietary
14 function. The charge shall be calculated to reflect a 1-time
15 installation permit fee that shall not exceed \$1,000.00 per mile of
16 longitudinal use of limited access highway rights-of-way with a
17 minimum fee of \$5,000.00 per permit. If the 1-time installation
18 permit fee does not cover the reasonable and actual costs to the
19 department in issuing the permit, the department may assess the
20 utility for the remaining balance. All revenue received under this
21 subsection shall be used for capital and maintenance expenses
22 incurred for limited access highways, including the cost of issuing
23 the permit.

24 (3) A person engaged in the collection of traffic data or the
25 provision of travel-related information or assistance may enter
26 upon, construct, and maintain electronic devices and related
27 structures within limited access and other 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 devices and structures be placed in a manner that will not impede traffic and will not increase maintenance costs for the state transportation department. The state transportation department may enter into agreements to authorize the use of property acquired for or designated as a highway or acquired for or designated for ancillary purposes for the installation, operation, and maintenance of commercial or noncommercial electronic devices and related structures for the collection of traffic data or to assist in providing travel-related information or assistance to motorists who subscribe to travel-related services, the public, or the department. Any revenue generated by the agreements shall be deposited in the state trunk line fund. The department may accept facilities or in-kind services to be used for public purposes in lieu of, or in addition to, monetary compensation.

Sec. 14. (1) ~~In case it is proposed~~ **A PERSON THAT PROPOSES** to construct a telegraph, telephone, power line or cable television line, **BROADBAND LINE**, pipe lines, wires, cables, poles, conduits, sewers, or like structures upon, over or under a county road or bridge, **SHALL OBTAIN** the consent of the board of county road commissioners ~~shall be obtained before the~~ **COMMENCING** work. ~~of such construction shall be commenced; and in case it is proposed~~

(2) **A PERSON THAT PROPOSES** to construct a telegraph, telephone, power line, cable television line, **BROADBAND LINE**, pipe line, wires, cables, poles, conduits, sewers or like structures,

1 upon, over or under a state trunk line highway, or upon, over or
2 under any bridge that ~~the~~**THIS** state has participated in
3 constructing, **SHALL OBTAIN** the consent of the state highway
4 commissioner ~~shall be obtained before the~~**COMMENCING** work. ~~of such~~
5 ~~construction shall be commenced.~~

6 Enacting section 1. This amendatory act takes effect 90 days
7 after the date it is enacted into law.