

HOUSE BILL NO. 4453

March 09, 2021, Introduced by Rep. Bellino and referred to the Committee on Communications 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 of obstructions and encroachments on public highways; to prescribe the conditions under which telegraph, telephone, power, and other public utility companies, cable television companies, broadband companies, and municipalities may enter upon, construct, and maintain telegraph, telephone, power, cable television, or broadband lines, pipe lines, wires, cables, poles, conduits, sewers, and like structures upon, over, across, or under public roads, bridges, streets, and waters; and to prescribe penalties and provide remedies,"

by amending section 15 (MCL 247.185).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 15. **(1)** The construction and maintenance of ~~all such~~
 2 telegraph, telephone and power lines, cable television lines, pipe
 3 lines, wires, cables, poles, conduits, sewers, and like structures
 4 ~~shall be~~ **is** subject to the paramount right of the public to use
 5 ~~such the~~ public places, roads, bridges, and waters, and ~~shall must~~
 6 not interfere with other public uses ~~thereof and nothing herein~~
 7 ~~contained shall~~ **or impair the integrity of any track or roadbed**
 8 **owned or used by a railroad for the transportation of individuals**
 9 **or property or interfere with the running of railway trains.**
 10 **Nothing in this subsection must** be construed to authorize any
 11 telegraph, telephone, power, or other public utility, ~~company,~~
 12 cable television company, or municipality to cut, destroy, or ~~in~~
 13 ~~anywise~~ injure any tree or shrub planted within any highway ~~right~~
 14 ~~of way~~ **right-of-way** or along the margin, ~~thereof,~~ or purposely left
 15 there for shade or ornament or to bridge across any of the waters
 16 of this state. ~~Nor shall anything in this section or sections 13~~
 17 ~~and 14 be construed to grant~~

18 **(2) Nothing in this section or sections 13 and 14 must be**
 19 **construed to do any of the following:**

20 **(a) Relieve a public utility, cable television company, or**
 21 **broadband company of its obligation to obtain a required approval**
 22 **for telegraph, telephone, and power under an existing law,**
 23 **including under section 265 of the railroad code of 1993, 1993 PA**
 24 **354, MCL 462.265.**

25 **(b) Grant** any rights ~~whatsoever to any public utilities a~~
 26 **public utility** or cable television ~~companies whatsoever, nor to~~
 27 **company or** impair ~~anywise any~~ existing rights granted in accordance
 28 with the constitution or laws of this state, but ~~shall must~~ be

1 construed as a regulation of the exercise of ~~all such~~ **the** rights.