

# HOUSE BILL No. 6314

November 4, 2004, Introduced by Reps. Rivet and Bradstreet 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 section 13 (MCL 247.183), as amended by 2002 PA 151.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 13. (1) ~~Telegraph~~ **Except as otherwise provided under**  
2 **subsection (2), telegraph**, telephone, power, and other public  
3 utility companies, cable television companies, and municipalities  
4 may enter upon, construct, and maintain telegraph, telephone, or  
5 power lines, pipe lines, wires, cables, poles, conduits, sewers  
6 or similar structures upon, over, across, or under any public  
7 road, bridge, street, or public place, including, ~~subject to~~

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1 ~~subsection (2),~~ longitudinally within limited access highway  
2 rights-of-way, and across or under any of the waters in this  
3 state, with all necessary erections and fixtures for that  
4 purpose. A telegraph, telephone, power, and other public utility  
5 company, cable television company, and municipality, before any  
6 of this work is commenced, shall first obtain the consent of the  
7 governing body of the city, village, or township through or along  
8 which these lines and poles are to be constructed and  
9 maintained.

10 (2) A utility as defined in 23 ~~C.F.R.~~ **CFR** 645.105(m) may  
11 enter upon, construct, and maintain utility lines and structures,  
12 **including pipe lines,** longitudinally within limited access  
13 highway rights-of-way in accordance with standards approved by  
14 the state transportation commission **and the Michigan public**  
15 **service commission** that conform to governing federal laws and  
16 regulations **and is not required to obtain the consent of the**  
17 **governing body of the city, village, or township as required**  
18 **under subsection (1).** The standards shall require that the lines  
19 and structures be underground and be placed in a manner that will  
20 not increase highway maintenance costs for the state  
21 transportation department. The standards may provide for the  
22 imposition of a reasonable charge for longitudinal use of limited  
23 access highway rights-of-way. The imposition of a reasonable  
24 charge is a governmental function, offsetting a portion of the  
25 capital and maintenance expense of the limited access highway,  
26 and is not a proprietary function. The charge shall be  
27 calculated to reflect a 1-time installation permit fee that shall

1 not exceed \$1,000.00 per mile of longitudinal use of limited  
2 access highway rights-of-way with a minimum fee of \$5,000.00 per  
3 permit. All revenue received under this subsection shall be used  
4 for capital and maintenance expenses incurred for limited access  
5 highways.

6 (3) A person engaged in the collection of traffic data or the  
7 provision of travel-related information or assistance may enter  
8 upon, construct, and maintain electronic devices and related  
9 structures within limited access and other highway rights-of-way  
10 in accordance with standards approved by the state transportation  
11 commission that conform to governing federal laws and  
12 regulations. The standards shall require that the devices and  
13 structures be placed in a manner that will not impede traffic and  
14 will not increase maintenance costs for the state transportation  
15 department. The state transportation department may enter into  
16 agreements to authorize the use of property acquired for or  
17 designated as a highway or acquired for or designated for  
18 ancillary purposes for the installation, operation, and  
19 maintenance of commercial or noncommercial electronic devices and  
20 related structures for the collection of traffic data or to  
21 assist in providing travel-related information or assistance to  
22 motorists who subscribe to travel-related services, the public,  
23 or the department. Any revenue generated by the agreements shall  
24 be deposited in the state trunk line fund. The department may  
25 accept facilities or in-kind services to be used for public  
26 purposes in lieu of, or in addition to, monetary compensation.