

HOUSE BILL No. 4767

May 3, 1989, Introduced by Reps. Hertel, Bartnik and Spaniola and referred to the Committee on Transportation.

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,"

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, being section 247.183 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 13. (1) Telegraph, telephone, power, and other public
5 utility companies, and cable television companies and
6 municipalities are authorized to enter upon, construct and

1 maintain telegraph, telephone, or power lines, pipe lines, wires,
2 cables, poles, conduits, sewers and like structures upon, over,
3 across, or under any public road, bridge, street, or public
4 place, EXCEPT LONGITUDINALLY WITHIN LIMITED ACCESS HIGHWAY RIGHTS
5 OF WAY, and across or under any of the waters in this state, with
6 all necessary erections and fixtures ~~therefor. Every such~~ FOR
7 THAT PURPOSE. A telegraph, telephone, power, and other public
8 utility company, cable television company, and municipality,
9 before any of ~~the~~ THIS work ~~of such construction and erection~~
10 ~~shall be~~ IS commenced, shall first obtain the consent of the
11 ~~duly constituted authorities~~ GOVERNING BODY of the city, vil-
12 lage, or township through or along which ~~said~~ THESE lines and
13 poles are to be constructed and ~~erected~~ MAINTAINED.

14 (2) THE STATE TRANSPORTATION DEPARTMENT MAY PERMIT ANY
15 PERSON TO ENTER UPON, CONSTRUCT, AND MAINTAIN PUBLIC OR PRIVATE
16 STRUCTURES WHICH ARE COMPATIBLE WITH THE PARAMOUNT INTERESTS OF
17 THE PUBLIC, INCLUDING UTILITY LINES AND STRUCTURES, LONGITUDI-
18 NALLY WITHIN LIMITED ACCESS HIGHWAY RIGHTS OF WAY IN ACCORDANCE
19 WITH STANDARDS APPROVED BY THE STATE TRANSPORTATION COMMISSION.
20 THE STANDARDS SHALL CONFORM TO GOVERNING FEDERAL LAWS AND REGULA-
21 TIONS AND MAY PROVIDE FOR THE IMPOSITION OF A CHARGE FOR LONGITU-
22 DINAL USE OF LIMITED ACCESS HIGHWAY RIGHTS OF WAY. THE IMPOSI-
23 TION OF SUCH CHARGES CONSTITUTES A GOVERNMENTAL FUNCTION, OFFSET-
24 TING A PORTION OF THE CAPITAL AND MAINTENANCE EXPENSE OF THE
25 LIMITED ACCESS HIGHWAY, AND IS NOT A PROPRIETARY FUNCTION. ALL
26 REVENUE RECEIVED UNDER THIS SUBSECTION SHALL BE USED FOR CAPITAL
27 AND MAINTENANCE EXPENSES INCURRED FOR LIMITED ACCESS HIGHWAYS.