

SENATE BILL No. 812

November 1, 2001, Introduced by Senator BULLARD and referred to the Committee on Transportation and Tourism.

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 1994 PA 306, and by adding section 1a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1A. THIS ACT DOES NOT PROHIBIT THE USE OF
2 RIGHTS-OF-WAY, BRIDGES, TOWERS, WELCOME CENTERS, AND REST STOPS
3 TO PROVIDE THROUGH THE USE OF ELECTRONIC TECHNOLOGIES, INCLUDING
4 ELECTRONIC KIOSKS, TRAVEL-RELATED INFORMATION OR ASSISTANCE AND
5 ADVANCE TRAFFIC INFORMATION SYSTEMS.

1 Sec. 13. (1) Telegraph, telephone, power, and other public
2 utility companies, cable television companies, and municipalities
3 may enter upon, construct, and maintain telegraph, telephone, or
4 power lines, pipe lines, wires, cables, poles, conduits, sewers
5 or similar structures upon, over, across, or under any public
6 road, bridge, street, or public place, including, subject to sub-
7 section (2), longitudinally within limited access highway
8 rights-of-way, and across or under any of the waters in this
9 state, with all necessary erections and fixtures for that
10 purpose. A telegraph, telephone, power, and other public utility
11 company, cable television company, and municipality, before any
12 of this work is commenced, shall first obtain the consent of the
13 governing body of the city, village, or township through or along
14 which these lines and poles are to be constructed and
15 maintained.

16 (2) A utility as defined in 23 C.F.R. 645.105(m) may enter
17 upon, construct, and maintain utility lines and structures longi-
18 tudinally within limited access highway rights-of-way in accord-
19 ance with standards approved by the state transportation commis-
20 sion that conform to governing federal laws and regulations. The
21 standards shall require that the lines and structures be under-
22 ground and be placed in a manner that will not increase highway
23 maintenance costs for the state transportation department. The
24 standards may provide for the imposition of a reasonable charge
25 for longitudinal use of limited access highway rights-of-way.
26 The imposition of a reasonable charge is a governmental function,
27 offsetting a portion of the capital and maintenance expense of

1 the limited access highway, and is not a proprietary function.
2 The charge shall be calculated to reflect a 1-time installation
3 permit fee that shall not exceed \$1,000.00 per mile of longitudi-
4 nal use of limited access highway rights-of-way with a minimum
5 fee of \$5,000.00 per permit. All revenue received under this
6 subsection shall be used for capital and maintenance expenses
7 incurred for limited access highways.

8 (3) A PERSON ENGAGED IN THE COLLECTION OF TRAFFIC DATA OR
9 THE PROVISION OF TRAVEL-RELATED INFORMATION OR ASSISTANCE MAY
10 ENTER UPON, CONSTRUCT, AND MAINTAIN ELECTRONIC DEVICES AND
11 RELATED STRUCTURES WITHIN LIMITED ACCESS AND OTHER HIGHWAY
12 RIGHTS-OF-WAY IN ACCORDANCE WITH STANDARDS APPROVED BY THE STATE
13 TRANSPORTATION COMMISSION THAT CONFORM TO GOVERNING FEDERAL LAWS
14 AND REGULATIONS. THE STANDARDS SHALL REQUIRE THAT THE DEVICES
15 AND STRUCTURES BE PLACED IN A MANNER THAT WILL NOT IMPEDE TRAFFIC
16 AND WILL NOT INCREASE MAINTENANCE COSTS FOR THE STATE TRANSPORTA-
17 TION DEPARTMENT. THE STATE TRANSPORTATION DEPARTMENT MAY ENTER
18 INTO AGREEMENTS TO AUTHORIZE THE USE OF PROPERTY ACQUIRED FOR OR
19 DESIGNATED AS A HIGHWAY OR ACQUIRED FOR OR DESIGNATED FOR ANCIL-
20 LARY PURPOSES FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF
21 COMMERCIAL OR NONCOMMERCIAL ELECTRONIC DEVICES AND RELATED STRUC-
22 TURES FOR THE COLLECTION OF TRAFFIC DATA OR TO ASSIST IN PROVID-
23 ING TRAVEL-RELATED INFORMATION OR ASSISTANCE TO MOTORISTS WHO
24 SUBSCRIBE TO TRAVEL-RELATED SERVICES, THE PUBLIC, OR THE
25 DEPARTMENT. ANY REVENUE GENERATED BY THE AGREEMENTS SHALL BE
26 DEPOSITED IN THE STATE TRUNK LINE FUND. THE DEPARTMENT MAY

1 ACCEPT FACILITIES OR IN-KIND SERVICES TO BE USED FOR PUBLIC
2 PURPOSES IN LIEU OF, OR IN ADDITION TO, MONETARY COMPENSATION.