

FIRST REGULAR SESSION

# HOUSE BILL NO. 893

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE PRATT.

Read 1<sup>st</sup> time March 31, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1430L.02I

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### AN ACT

To repeal section 227.240, and to enact in lieu thereof one new section relating to public rights-of-way, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 227.240, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 227.240, to read as follows:

227.240. 1. [The location and removal of all telephone, telegraph and electric light and power transmission lines, poles, wires, and conduits and all pipelines and tramways, erected or constructed, or hereafter to be erected or constructed by any corporation, association or persons, within the right-of-way of any state highway, insofar as the public travel and traffic is concerned, and insofar as the same may interfere with the construction or maintenance of any such highway, shall be under the control and supervision of the state highways and transportation commission]

**The location and removal of all telephone, cable television, fiberoptic communication or transmission, electronic data, voice-over Internet protocol, satellite television, and satellite dish, and electric light and power transmission lines, poles, wires, and conduits and all pipelines and tramways, erected or constructed, or hereafter to be erected or constructed by any corporation, association or persons, within the right-of-way of any state highway, insofar as the public travel and traffic is concerned, and insofar as the same may interfere with the construction or maintenance of any such highway, shall be under the control and supervision of the state highways and transportation commission. Any telecommunications corporation or company, any Internet service provider, any company supplying voice-over Internet protocol, electronic data, Internet or broadband access, any satellite television or**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **satellite dish provider, any gas corporation, public water or sewer district, water**  
18 **corporation, sewer corporation, electric corporation, or cable television company shall be**  
19 **permitted to place its facilities or system within the right-of-way of any state highway,**  
20 **county road, or other political subdivision to the extent consistent with sections 67.1830 to**  
21 **67.1850, RSMo.**

22         2. The commission or some officer selected by the commission shall serve a written  
23 notice upon the person or corporation owning or maintaining any such lines, poles, wires,  
24 conduits, pipelines, or tramways, which notice shall contain a plan or chart indicating the places  
25 on the right-of-way at which such lines, poles, wires, conduits, pipelines or tramways may be  
26 maintained. The notice shall also state the time when the work of hard surfacing said roads is  
27 proposed to commence, and shall further state that a hearing shall be had upon the proposed plan  
28 of location and matters incidental thereto, giving the place and date of such hearing.  
29 Immediately after such hearing the said owner shall be given a notice of the findings and orders  
30 of the commission and shall be given a reasonable time thereafter to comply therewith; provided,  
31 however, that the effect of any change ordered by the commission shall not be to remove all or  
32 any part of such lines, poles, wires, conduits, pipelines or tramways from the right-of-way of the  
33 highway. The removal of the same shall be made at the cost and expense of the owners thereof  
34 unless otherwise provided by said commission, and in the event of the failure of such owners to  
35 remove the same at the time so determined they may be removed by the state highways and  
36 transportation commission, or under its direction, and the cost thereof collected from such  
37 owners, and such owners shall not be liable in any way to any person for the placing and  
38 maintaining of such lines, poles, wires, conduits, pipelines and tramways at the places prescribed  
39 by the commission.

40         3. The commission is authorized in the name of the state of Missouri, to institute and  
41 maintain, through the attorney general, such suits and actions as may be necessary to enforce the  
42 provisions of this section. Any corporation, association or the officers or agents of such  
43 corporations or associations, or any other person who shall erect or maintain any such lines,  
44 poles, wires, conduits, pipelines or tramways, within the right-of-way of such roads which are  
45 hard-surfaced, which are not in accordance with such orders of the commission, shall be deemed  
46 guilty of a misdemeanor.