

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 598
99TH GENERAL ASSEMBLY

Reported from the Committee on Transportation, Infrastructure and Public Safety, January 25, 2018, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 598, adopted March 1, 2018.

Taken up for Perfection March 1, 2018. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

5089S.04P

AN ACT

To repeal section 227.240, RSMo, and to enact in lieu thereof one new section relating to the department of transportation utility corridor, with an existing penalty provision.

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Section A. Section 227.240, RSMo, is repealed and one new section
2 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, cable television,
2 and electric light and power transmission lines, poles, wires, and conduits and all
3 pipelines and tramways, erected or constructed, or hereafter to be erected or
4 constructed by any corporation, municipality, public water supply district, sewer
5 district, association or persons, within the right-of-way of any state highway,
6 insofar as the public travel and traffic is concerned, and insofar as the same may
7 interfere with the construction or maintenance of any such highway, shall be
8 under the control and supervision of the state highways and transportation
9 commission.

10 2. A cable television corporation or company shall be permitted to place
11 its lines within the right-of-way of any state highway, consistent with the rules
12 and regulations of the state highways and transportation commission. The state
13 highways and transportation commission shall establish a system for receiving
14 and resolving complaints with respect to cable television lines placed in, or
15 removed from, the right-of-way of a state highway.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 3. The department of transportation may establish a utility
17 corridor for the placement of utility facilities on the right-of-way of
18 highways in the state highway system. Such utility corridor shall be up
19 to twelve feet in width and placed within the existing right-of-way
20 when space is reasonably available, with the location of the utility
21 corridor to be determined by the state highways and transportation
22 commission. Utility providers shall be reimbursed by the department
23 of transportation for the expense of moving or relocating any
24 preexisting utility facilities located on property outside an existing
25 state highway right-of-way or utility corridor that is acquired by the
26 state for the purpose of expanding a state highway or creating or
27 expanding a utility corridor. The commission shall promulgate rules
28 setting forth a standardized statewide system for requesting and
29 issuing variances to requirements set forth in this section.

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

51 [4.] 5. The commission is authorized in the name of the state of Missouri

52 to institute and maintain, through the attorney general, such suits and actions
53 as may be necessary to enforce the provisions of this section. Any corporation,
54 association or the officers or agents of such corporations or associations, or any
55 other person who shall erect or maintain any such lines, poles, wires, conduits,
56 pipelines or tramways, within the right-of-way of such roads which are
57 hard-surfaced, which are not in accordance with such orders of the commission,
58 shall be deemed guilty of a misdemeanor.

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