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An Act To Require Owners of Utility Facilities To Accommodate the Installation of Traffic Control Signals and To Permit the University of Maine System To Construct Lines on Public Rights-of-way

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is imperative that this Act take effect immediately so that the University of Maine System may transmit data and communications to its facilities and partnering entities as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 23 MRSA §1351, 2nd ¶, as amended by PL 1971, c. 593, §22, is further amended to read:

The department shall have authority to install and maintain traffic control signals; and warning, regulatory, directional and informational signs and markings; on all state and state aid highways and highways constructed under its direction with federal funds and town ways, when, in its opinion, such the signs, signals and markings are necessary for public safety and convenience. Owners of utility facilities located within or along a public right-of-way shall reasonably accommodate the attachment to their facilities of traffic control signals and their appurtenances without cost to the public as long as those appurtenances are used solely for the communication between traffic control signals and a system command center and are necessary for the proper operation of traffic control signals and related devices.

Sec. 2. 35-A MRSA §2301, as amended by PL 1995, c. 225, §8, is further amended to read:

§ 2301. Telephone utilities and television corporations may construct lines

Except as limited, every corporation organized under section 2101 for the purpose of operating telephones and every corporation organized for the purpose of transmitting television signals by wire may construct, maintain and operate its lines upon and along the route or routes and between the points stated in its certificate of incorporation; and may construct its lines and necessary erections and fixtures for them along, over, under and across any of the roads and streets and across or under any of the waters upon and along the route or routes subject to the conditions and under the restrictions provided in this chapter and chapter 25. The rights, privileges and restrictions provided in this section apply to the University of Maine System for purposes of transmitting data and communications between and among its facilities and partnering entities, wherever located, subject to the conditions and under the restrictions provided

in this chapter and chapter 25. For purposes of this section, "partnering entities" means organizations, wherever located, authorized to use the university's regional optical network for education and research institutions, or other university data and communications systems.

Sec. 3. 35-A MRSA §2501, sub-§2, as amended by PL 1995, c. 225, §9, is further amended to read:

2. Applicability of section 2503. Except as otherwise provided, a person may not construct facilities upon and along highways and public roads; without applying for and obtaining a written location permit from the applicable licensing authority under section 2503. Included within this requirement is every person operating telephones or transmitting television signals by wire; every person that owns, controls, operates or manages any pipeline within or through this State for the transportation as a common carrier for hire of oil, gas, gasoline, petroleum or any other liquids or gases; every water utility and every person making, generating, selling, distributing and supplying gas or electricity; every water utility or sewer company, district or system privately or municipally owned; every municipally owned or operated fire alarm, police alarm or street lighting circuit or system; every cooperative organized under chapter 35; the University of Maine System, for purposes described in section 2301; and any other person engaged in telecommunications or the transmission of heat, or electricity.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill clarifies that owners of utilities located in or on a public right-of-way to which traffic control device appurtenances are attached must reasonably accommodate the attachment of the traffic control device appurtenances without cost to the public as long as the appurtenances are used solely for communication between the devices and the command center and are necessary for the proper operation of the traffic control devices.

This bill allows the University of Maine System to install lines in the public highway rights-of-way to facilitate the transmission of data and communication between its facilities and partnering entities.