

1 House BILL NO. 667
 2 INTRODUCED BY PAGE Rabb Rep
 3 Helgeson

4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
 5 70-301, R.C.M. 1947, TO AUTHORIZE MUNICIPALITIES TO COMPEL A
 6 PUBLIC UTILITY TO REMOVE OR BURY UTILITY LINES IN A
 7 DESIGNATED CENTRAL BUSINESS DISTRICT WHEN PUBLIC HEALTH AND
 8 SAFETY ARE ENDANGERED, PARTICULARLY WHEN THE ABILITY OF THE
 9 LOCAL GOVERNMENT TO PROTECT BUILDINGS FROM FIRE IS IMPAIRED
 10 AND TO PROVIDE FOR THE CONSTRUCTION AND RENTAL OF UTILITY
 11 TUNNELS BY MUNICIPALITIES REQUIRING UTILITY LINES TO BE
 12 BURIED."

13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 15 Section 1. Section 70-301, R.C.M. 1947, is amended to
 16 read as follows:

17 "70-301. Rights of way for pole lines along streets,
 18 roads and highways. (1) A telegraph, telephone, electric
 19 light, or electric power line corporation, or public body or
 20 any other person owning or operating such, is hereby
 21 authorized to install its respective plants and appliances
 22 necessary for service, and to supply and distribute
 23 electricity for lighting, heating, power, and other
 24 purposes, and to that end to construct such telegraph,
 25 telephone, electric light or electric power line or power

1 lines, from point to point, along and upon any of the public
 2 roads, streets, and highways in the state of Montana, by the
 3 erection of necessary fixtures, including posts, piers, and
 4 abutments necessary for the wires. But the same shall be so
 5 constructed as not to incommode or endanger the public in
 6 the use of said roads, streets, or highways, and nothing
 7 herein shall be so construed as to restrict the powers of
 8 city or town councils.

9 ~~(2) (a) A person authorized to install lines under~~
 10 ~~subsection (1) of this section may be required by a~~
 11 ~~municipality to move or install such lines underground in a~~
 12 ~~designated central business district when the municipality~~
 13 ~~determines that the lines may be hazardous to public health~~
 14 ~~and safety. Lines required to be buried under this~~
 15 ~~subsection shall be placed within a utility tunnel. The~~
 16 ~~utility tunnel shall be constructed by the municipality and~~
 17 ~~the municipality may charge a rental to the utilities using~~
 18 ~~the tunnel. The rental shall be designed to amortize the~~
 19 ~~cost of the tunnel over a 20-year period. If several~~
 20 ~~utilities have lines buried in the tunnel, the municipality~~
 21 ~~may apportion the rent on a basis of use.~~

22 ~~(b) A hazard includes, without limitation, an~~
 23 ~~interference with the ability of the municipality to provide~~
 24 ~~fire protection to a building."~~

-End-

HB 667

Approved by Committee
on Business and Industry

HOUSE BILL NO. 667

INTRODUCED BY FAGG, ROBBINS, RYAN, GILLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 70-301, R.C.M. 1947, TO AUTHORIZE MUNICIPALITIES TO COMPEL A PUBLIC UTILITY TO REMOVE OR BURY UTILITY LINES IN A DESIGNATED CENTRAL BUSINESS DISTRICT WHEN PUBLIC HEALTH AND SAFETY ARE ENDANGERED, PARTICULARLY WHEN THE ABILITY OF THE LOCAL GOVERNMENT TO PROTECT BUILDINGS FROM FIRE IS IMPAIRED AND TO PROVIDE FOR THE CONSTRUCTION AND RENTAL OF UTILITY TUNNELS BY MUNICIPALITIES REQUIRING UTILITY LINES TO BE BURIED."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 70-301, R.C.M. 1947, is amended to read as follows:

"70-301. Rights of way for pole lines along streets, roads and highways. (1) A telegraph, telephone, electric light, or electric power line, corporation, or public body or any other person owning or operating such, is hereby authorized to install its respective plants and appliances necessary for service, and to supply and distribute electricity for lighting, heating, power, and other purposes, and to that end to construct such telegraph, telephone, electric light or electric power line or power

lines, from point to point, along and upon any of the public roads, streets, and highways in the state of Montana, by the erection of necessary fixtures, including posts, piers, and abutments necessary for the wires. But the same shall be so constructed as not to incommode or endanger the public in the use of said roads, streets, or highways, and nothing herein shall be so construed as to restrict the powers of city or town councils.

~~(2) (a) A person authorized to install lines under subsection (1) of this section may be required by a municipality to move or install such lines underground in a designated central business district when the municipality determines that the lines may be hazardous to public health and safety. Lines required to be buried under this subsection shall be placed within a utility tunnel. The utility tunnel shall be constructed by the municipality PURSUANT TO TITLE 70, CHAPTER 6, and the municipality may charge a rental to the utilities using the tunnel. IDIAL RENTALS CHARGED TO UTILITIES MAY NOT EXCEED 75% OF THE COST OF CONSTRUCTION AND MAINTENANCE. The rental shall be designed to amortize THAT PORTION OF the cost of the tunnel FOR WHICH THE UTILITIES ARE RESPONSIBLE over a 20-year period. If several utilities have lines buried in the tunnel, the municipality may apportion the rent on a basis of use. THE MUNICIPALITY IN WHICH THE TUNNEL IS LOCATED IS~~

1 RESPONSIBLE FOR IIS MAINTENANCE.

2 (b) A hazard includes, without limitation, an
3 interference with the ability of the municipality to provide
4 fire protection to a building."

-End-

HOUSE BILL NO. 667

INTRODUCED BY FAGG, ROBBINS, RYAN, GILLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 70-301, R.C.M. 1947, TO AUTHORIZE MUNICIPALITIES TO COMPEL A PUBLIC UTILITY TO REMOVE OR BURY UTILITY LINES IN A DESIGNATED CENTRAL BUSINESS DISTRICT WHEN PUBLIC HEALTH AND SAFETY ARE ENDANGERED, PARTICULARLY WHEN THE ABILITY OF THE LOCAL GOVERNMENT TO PROTECT BUILDINGS FROM FIRE IS IMPAIRED AND TO PROVIDE FOR THE CONSTRUCTION AND RENTAL OF UTILITY TUNNELS BY MUNICIPALITIES REQUIRING UTILITY LINES TO BE BURIED."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 70-301, R.C.M. 1947, is amended to read as follows:

"70-301. Rights of way for pole lines along streets, roads and highways. (1) A telegraph, telephone, electric light, or electric power line, corporation, or public body or any other person owning or operating such, is hereby authorized to install its respective plants and appliances necessary for service, and to supply and distribute electricity for lighting, heating, power, and other purposes, and to that end to construct such telegraph, telephone, electric light or electric power line or power

lines, from point to point, along and upon any of the public roads, streets, and highways in the state of Montana, by the erection of necessary fixtures, including posts, piers, and abutments necessary for the wires. But the same shall be so constructed as not to incommode or endanger the public in the use of said roads, streets, or highways, and nothing herein shall be so construed as to restrict the powers of city or town councils.

(2) (a) A person authorized to install lines under subsection (1) of this section may be required by a municipality to move or install such lines underground in a designated central business district when the municipality determines that the lines may be hazardous to public health and safety. Lines required to be buried under this subsection shall be placed within a utility tunnel. The utility tunnel shall be constructed by the municipality PURSUANT TO TITLE 70, CHAPTER 6, and the municipality may charge a rental to the utilities using the tunnel. TOTAL RENTALS CHARGED TO UTILITIES MAY NOT EXCEED 75% OF THE COST OF CONSTRUCTION AND MAINTENANCE. The rental shall be designed to amortize THAT PORTION OF the cost of the tunnel FOR WHICH THE UTILITIES ARE RESPONSIBLE over a 20-year period. If several utilities have lines buried in the tunnel, the municipality may apportion the rent on a basis of use. THE MUNICIPALITY IN WHICH THE TUNNEL IS LOCATED IS

1 RESPONSIBLE FOR ITS MAINTENANCE.

2 (b) A hazard includes, without limitation, an
3 interference with the ability of the municipality to provide
4 fire protection to a building."

-End-