

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 598

99TH GENERAL ASSEMBLY

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

5089S.04C

ADRIANE D. CROUSE, Secretary.

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## 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.

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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Section A. Section 227.240, RSMo, is repealed and one new section  
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.

16 3. **The department of transportation utility corridor established**  
17 **for the placement of utility facilities on the right-of-way of highways in**

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

18 **the state highway system shall be up to twelve feet in width when space**  
19 **is reasonably available, with the location of the utility corridor to be**  
20 **determined by the state highways and transportation commission. The**  
21 **location, construction, maintenance, removal, and relocation of any**  
22 **utility facility within the utility corridor or the right-of-way of any**  
23 **highway in the state highway system due to the implementation of this**  
24 **subsection shall be in accordance with subsections 1 and 4 of this**  
25 **section. The commission shall promulgate rules setting forth a**  
26 **standardized statewide system for requesting and issuing variances to**  
27 **requirements set forth in this section.**

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

49           [4.] 5. The commission is authorized in the name of the state of Missouri  
50 to institute and maintain, through the attorney general, such suits and actions  
51 as may be necessary to enforce the provisions of this section. Any corporation,  
52 association or the officers or agents of such corporations or associations, or any  
53 other person who shall erect or maintain any such lines, poles, wires, conduits,

54 pipelines or tramways, within the right-of-way of such roads which are  
55 hard-surfaced, which are not in accordance with such orders of the commission,  
56 shall be deemed guilty of a misdemeanor.

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Bill

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