



## Legislation Text

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140911  
ORIGINAL

### ALD. BAUMAN

Resolution directing the Department of Administration-Intergovernmental Relations Division and the Common Council's Legislative Coordinator to seek introduction and passage of state legislation relating to the rights and responsibilities of privately-owned utilities that locate their equipment in the public right-of-way.

This resolution directs the Department of Administration-Intergovernmental Relations Division and the Common Council's Legislative Coordinator to seek introduction and passage of state legislation that would permit a county or municipality (city, village or town) to require payment from a private utility for occupancy of the county or municipality's public right-of-way by any utility equipment installed in the right-of-way after enactment of the legislation. This legislation would also provide that, in any instance where a county or municipality receives payment from a private utility for occupancy of public right-of-way, the county or municipality shall be responsible for any costs associated with relocation of the utility's equipment necessitated by a public works project of the county or municipality.

Whereas, Under current state law, privately-owned utility companies are not required to compensate a municipality for the privilege of occupying the municipality's public right-of-way with their equipment (pipes, cables, wires, etc.); and

Whereas, There has been considerable discussion and uncertainty as to which entity - the private utility, the municipality or some combination of the two -- is responsible for paying for relocating a private utility line located in public right-of-way when such relocation is necessitated by a public works project of the municipality; and

Whereas, This lack of clarity can potentially delay a necessary public works project that the municipality is waiting to undertake; and

Whereas, If it is determined that a municipality is responsible for most or all of the private-utility relocation costs associated with a public works project, that project may not be financially feasible, even if it is strongly supported by local elected officials and other community leaders; and

Whereas, By changing state law to allow a municipality to charge a utility for the privilege of occupying the public right-of-way with its equipment and clarifying that the municipality is responsible for private-utility relocation costs, the relationship between municipalities and utilities would be clarified, funds would be available for utility relocation and valuable public works projects could proceed; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of Administration-Intergovernmental Relations Division and the Common Council's Legislative Coordinator are directed to seek introduction and passage of state legislation that would permit a county or municipality (city, village or town) to require payment from a private utility for occupancy of the county or municipality's public right-of-way by any utility equipment installed in the right-of-way after enactment of the legislation; and, be it

Further Resolved, That this legislation should also provide that, in any instance where a county or municipality receives payment from a private utility for occupancy of public right-of-way, the county or municipality shall be

responsible for any costs associated with relocation of the utility's equipment necessitated by a public works project of the county or municipality; and, be it

Further Resolved, That the City Clerk shall send copies of this resolution to all members of Milwaukee's delegation to the State Legislature.

LRB137819-1  
Jeffrey Osterman  
9/23/2014