



SUMMARY OF THE METRO ACT, 2002 PA 48

PURPOSE | *§ 1: Purpose: to encourage expansion of telecommunication services while allowing some control of public rights-of-way (ROWs) by municipalities.*

§ 2: Definitions. The Act only applies to counties with a population of 10,000 or more. § 2(f).
Lines Only. Equipment shelters and houses are excluded from “telecommunication facilities or facilities.” § 2(j).

§ 3: The Local Community Stabilization Authority (LCSA) coordinates rules for implementation of the Act.

§ 4: Municipality cannot enact or enforce an ordinance or assess fees for access to or use of public ROWs contrary to the Act or in addition to those in the Act. A METRO Act permit does not include use of Muni conduit or utility poles. § 4(3).

§ 5: Provider use of a public ROW for telecommunication facilities requires a permit from the municipality and applicable fees.

§ 6: Standard application and permit forms are approved by the Michigan Public Service Commission (MPSC) See www.michigan.gov/mpsc/-regulatory/telecommunications/metro. Application fee is \$500. Route maps required with Application. Some information may be exempt from FOIA disclosure.

§ 7: Dispute resolution between provider and municipality regarding the application: MPSC appoints a mediator, who makes a recommendation within 30 days of being appointed. Within 30 days of the recommendation, either party can request the MPSC review and resolve the dispute.

§ 8: Provider must pay the LCSA an annual maintenance fee. The fee is generally \$0.05 per linear foot of public ROW. Cable providers generally exempt. § 8(4), (11).

Continued....



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§ 9: Shared Use Discount: Providers who implement a shared use arrangement are entitled to a fee reduction under certain circumstances.

§ 10–12: The LCSA distributes annual provider maintenance fees to compliant municipalities based on the Act 51 Highway Fund Distribution formulas.

§ 13: Municipality must not assess fees greater than those allowed under the Act or it forfeits distribution under Sec 11-12.

§ 14: Authority for Municipal Broadband for Residents: Municipality may provide telecommunication or cable modem services, if: (1) It does not discriminate against other entities providing the same service and (2) It does not give itself preferential treatment in public ROW access, pole attachments, or rates for pole attachments. Exemptions: (1) Municipal systems used only by a municipality and (2) Grandfathered systems established before December 31, 2001. Municipal systems must also meet the requirements of MCL 484.2252.

§ 15: Shot Clock: Municipality has 45 days from the date an application is filed to approve or deny access to a public ROW. Bonds may be a condition of the permit.

§ 16: The Act does not alter cable franchise requirements. See Michigan Cable Act, 2006 PA 480.

§ 17: MPSC reviews decisions of the LCSA de novo; MSPC decisions appealed to the Court of Appeals.

§ 18: Complaints for violations of the Act can be filed with the MPSC, and this section establishes various remedies and penalties for violations.

§ 19: Provides alternatives if various provisions of the Act are found invalid or unconstitutional.

§ 20: The Legislature or the Governor may seek an advisory opinion of the Michigan Supreme Court on the constitutionality of the Act.

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