

A GUIDE FOR LOCAL GOVERNMENTS AND PROPERTY OWNERS

HB 5940, Line by Line

Power lines along Michigan's highways: what the bill changes, who still decides, and what local governments and property owners can do

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BILL

Michigan House Bill 5940 of 2026 (with the Senate package, SB 930-933)

SPONSOR

Rep. David Prestin and 14 cosponsors

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Start with the short version for the main findings and immediate steps. The chapters explain the bill, its approval process, and the choices facing communities.

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Information current through October 4, 2026.

The short version

HB 5940 would end Michigan's rule that power lines running along limited access highways must be buried. But four public bodies still have to act before any overhead line goes up there, the bill sets no deadline for any of them, and it gives neighbors and townships no new say.

House Bill 5940 is short. It changes one subsection of a 1925 highway law and adds one new section. It passed the Michigan House on August 26, 2026, by a vote of 98-0. The other 12 members had been excused (10 for the day, 2 for part of it) and did not vote. It now sits in the Senate Committee on Energy and Environment, which has not taken it up. It is a bill "as passed by the House," not law.

A "limited access highway" is a road built for through traffic, with no driveways or other direct access from the land beside it (MCL 252.51). In Michigan that means roads such as I-96, I-69, and I-496. The strip of public land the road sits on is the highway "right-of-way."

The eight points

- 1. Today, lines along these highways must be buried.** Current law lets a utility run lines lengthwise inside limited access highway right-of-way without the consent of the local township, city, or village. But the standards for that use must require the lines to be underground (MCL 247.183(2)).
- 2. HB 5940 strikes the words "be underground and."** It also adds one sentence telling the standards to allow "aboveground lines and structures" in that right-of-way (passed 2:23-2:26). The one placement rule left in that sentence is that lines must not raise the highway maintenance costs of the Michigan Department of Transportation (MDOT) (passed 2:26-2:28).
- 3. If enacted, the statute would stop being a barrier, but enactment alone puts no line in the right-of-way.** The bill's new sentence speaks to "the standards," which two state commissions must approve: the State Transportation Commission and the Michigan Public Service Commission (MPSC) (passed 2:18-2:21).
- 4. Four public bodies must act, in three steps, before an overhead line can go up.** The two commissions must approve new standards. MDOT must change its own guidance, which today says aboveground lines along these highways are "prohibited," or approve an exception to it. The Federal Highway Administration (FHWA) must approve Michigan's changed policy. After that come an MDOT permit and, for a large line, a siting certificate from the MPSC.
- 5. The bill sets no deadline for any of them.** It gives no deadline to MDOT, the two commissions, or FHWA, and no appeal if MDOT and a company never agree.
- 6. The new section 13a is a process for companies, not a right to build.** On a utility's or transmission company's written request, MDOT must review highway corridors with it, share its plans, and agree on a "constructability report" before it issues a permit (passed 4:22-5:17).
- 7. Neighbors and townships get no new notice and no new say.** Every duty in section 13a runs between MDOT and the company. Local consent was already not required in this right-of-way, and the bill does not change that. The House committee also replaced a 5-year notice before MDOT moves a line with notice "as soon as is practical" of unforeseen plan changes, and that notice goes only to the company.

- 8. Where you still have a voice is the MPSC.** For a line of 345 kilovolts (kV) or more and 5 miles or more, the company needs a certificate under Michigan's transmission siting law, 1995 PA 30 ("Act 30"). Every affected municipality and landowner may join that case as a party, and the MPSC must find the route "feasible and reasonable" (MCL 460.568(2), (5)(b)). The MPSC has also proposed new Act 30 rules; comments are due October 21, 2026.

Subject to section 13a, the standards must allow for the collocation of projects, including above-ground lines and structures, in limited access highway rights-of-way. (passed 2:23-2:26)

How to use this report

The bill removes one legal barrier while retaining project-specific approvals. It names no project and does not establish that a company plans an overhead line inside highway right-of-way. This report separates the proposed legal changes from claims about particular projects, costs, and timing.

Part I explains the text. Part II walks the path from law to line. Part III covers Act 30 and the Senate bills the House did not take up. Part IV covers what the bill means for townships and landowners. Parts V through VIII cover relocation and cost, where the bill came from, where it stands, and the fixes the Senate could make.

IF A LINE IS PROPOSED NEAR YOU

- 1. Comment on the MPSC's proposed Act 30 rules by October 21, 2026 (Case U-22064).** Ask the MPSC to say whether "existing rights-of-way" include highway right-of-way, and how people who live beside a proposed route will be told about it.
- 2. When a route is proposed, use Act 30.** Go to the company's public meeting in your community. If your township or your land is affected, intervene in the MPSC case. Propose any alternative route early: the MPSC has said it is reasonable to require alternatives within 45 days after the prehearing conference.
- 3. Ask for a public process on the standards.** Write to MDOT, the State Transportation Commission, and the MPSC, and ask for public notice and a chance to comment before they rewrite the highway standards and guidance. The bill does not require either.

Scope and sources

This report explains HB 5940 as passed by the Michigan House on August 26, 2026. It compares the proposed amendments with current law and identifies the approvals, notice requirements, and implementation questions that matter to local governments and property owners. Legislative status and agency proceedings are reported as of October 4, 2026.

Documents reviewed

The analysis covers the introduced bill, the House committee substitute H-2, and the House-passed bill [1]. H-2 and the House-passed bill have the same text and page and line numbers. Appendix A reproduces the affected sections with additions and deletions marked.

The legal sources include Michigan's highway utility law and transmission siting law, Act 30 [2]; federal highway utility regulations and Federal Highway Administration guidance [3,4]; Michigan Department of Transportation guidance [5]; and Michigan Public Service Commission orders, guidelines, and proposed rules [6]. The legislative record includes House Fiscal Agency analyses, journals, committee minutes, and the related Senate bills. Public statements and news coverage document the debate.

Reading the citations

Michigan bills mark additions and deletions within the existing statute. Except in the marked comparison in Appendix A, bill quotations give the words that would remain if enacted. HB 5940 deletes "be underground and" from section 13(2) while retaining the condition on highway maintenance costs.

(passed 2:23-2:26) means the House-passed print, page 2, lines 23 through 26. (introduced 5:20-5:23) refers to the introduced print. MCL identifies the Michigan Compiled Laws; CFR identifies the Code of Federal Regulations. Bracketed numbers link to the consolidated references at the end of the report. Appendix B lists the principal sources and explains the maps.

Statements by sponsors, companies, and advocates are attributed to them. Interpretations and proposed amendments are identified as our analysis or recommendations.

Limits

HB 5940 remains a proposal. Its text and related proceedings may change after October 4, 2026. The report does not predict passage or approval of a particular route.

The federal regulatory text used here is the April 1, 2025 annual edition, checked for changes through August 31, 2026. The September 2026 FHWA guidance is discussed separately.

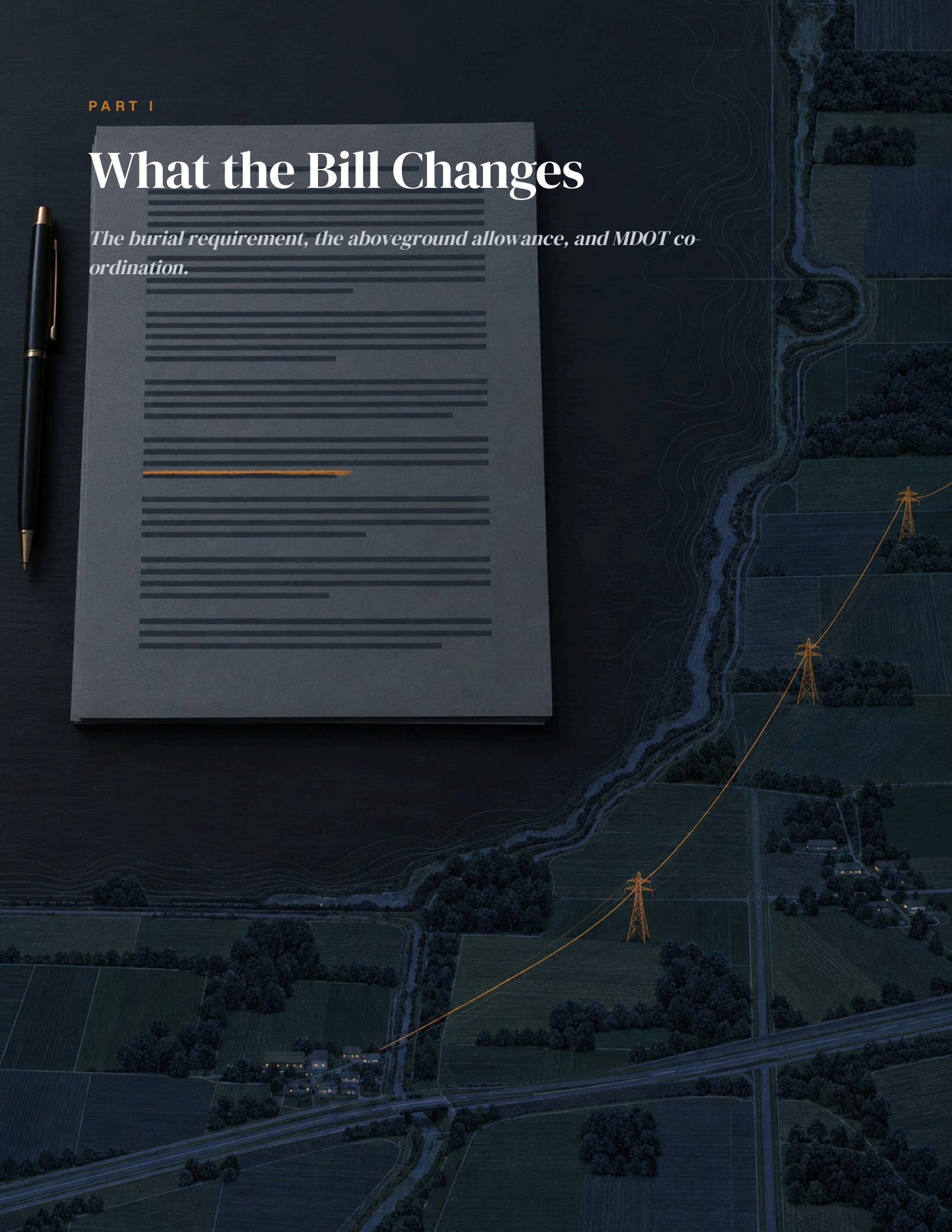
"We found no record" describes the sources reviewed; it does not establish that no record exists. Pay-walled reporting and untranscribed committee video limit the coverage analysis. The maps show center-lines, rather than highway property boundaries, corridor width, or engineering feasibility.

Project-specific property rights, intervention eligibility, and legal remedies should be assessed with counsel using the applicable law and case record.

PART I

What the Bill Changes

The burial requirement, the aboveground allowance, and MDOT coordination.



What the Bill Changes

- HB 5940 makes two changes to section 13 of Michigan's 1925 highway law: it adds one sentence that tells the highway standards to allow aboveground lines, and it strikes the words "be underground and."
- If enacted, those changes would end the rule in the statute that lines running along limited access highways must be buried. The rule that lines must not raise the state's highway maintenance costs stays.
- A new section 13a sets up a process between MDOT and a power company: a corridor review, plan sharing, and a jointly approved "constructability report" before any permit. It has no deadline, no appeal, and no voltage figure.
- The House committee's substitute (H-2) narrowed who may ask, softened the period during which MDOT will not ask a company to move its line, and replaced a 5-year relocation notice with notice "as soon as is practical."
- The bill does not touch Act 30, local consent, the permit fee, or notice to neighbors.

HB 5940 amends 1925 PA 368, an old law that sets the terms for putting phone, power, pipeline, and other utility lines in and along public roads. It changes one part of section 13 of that law (MCL 247.183) and adds a new section 13a (which would become MCL 247.183a). This part walks through both, line by line, and then shows what the House changed along the way.

Michigan law today

Section 13 has two main rules for utility lines. Subsection (1) covers ordinary roads: before a utility builds lines along or across them, it must first get the consent of the city, village, or township. Subsection (2) covers limited access highways, the roads such as I-96 and I-69 that are built for through traffic and have no driveways. There, "a utility as defined in 23 CFR 645.105" may build lines "longitudinally," meaning lengthwise along the road, inside the highway right-of-way, the strip of public land the road sits on (passed 2:14-2:16).

That utility "is not required to obtain the consent of the governing body of the city, village, or township as required under subsection (1)" (passed 2:21-2:23). Local consent has been gone in this right-of-way since 2005, and HB 5940 does not change that.

What current law forbids is aboveground placement. The standards for this use must require that the lines and structures "be underground" and be placed so that they do not raise the highway maintenance costs of the Michigan Department of Transportation (MDOT) (MCL 247.183(2)). According to House analyses of the time, the rule dates to 1989, when it was written with fiber-optic cable in mind; no analysis we found gives it a safety reason. MDOT's own guidance repeats it. Item 5.6 says, "Longitudinal occupancy of limited access state highway right-of-way by aboveground facilities is prohibited" [5].

So current law already allows power lines along limited access highways, as long as they are buried. Section 13 also lets the standards impose a charge: a one-time permit fee of up to \$1,000 per mile, with a \$5,000 minimum, and MDOT may bill the utility for any permit cost the fee does not cover. All of it goes

to limited access highway costs, not to local governments (passed 2:29-3:14). The bill leaves the fee rule alone.

Two changes to section 13

Section 13 is word for word the same in all three prints of the bill: as introduced, the H-2 substitute, and as passed by the House. Compared with current law, each print makes two changes, both in subsection (2), and nothing else in section 13 changes.

HB 5940 · SEC. 13(2), MCL 247.183(2)

Two edits: a sentence added, three words struck

Today, lines running lengthwise in limited access highway right-of-way must be underground. As passed by the House, the bill strikes “be underground and” and requires standards that allow aboveground lines.

TODAY	AS PASSED BY THE HOUSE
Current law, MCL 247.183(2)	HB 5940, sec. 13(2)
... is not required to obtain the consent of the governing body of the city, village, or township as required under subsection (1). The standards must require that the lines and structures be underground and be placed in a manner that will not increase highway maintenance costs for the state transportation department.	... is not required to obtain the consent of the governing body of the city, village, or township as required under subsection (1). Subject to section 13a, the standards must allow for the collocation of projects, including aboveground lines and structures, in limited access highway rights-of-way. The standards must require that the lines and structures be underground and be placed in a manner that will not increase highway maintenance costs for the state transportation department.
be underground and = struck by the bill	Bold on tint = added by the bill

TEXT HB 5940 as passed by the House, passed 2:21-2:28 (struck words from the bill's strikethrough markup) · current law MCL 247.183(2)

Figure 1: Section 13(2) before and after: one sentence added, three words struck

The added sentence. Right after the local-consent clause, the bill inserts this:

Subject to section 13a, the standards must allow for the collocation of projects, including above-ground lines and structures, in limited access highway rights-of-way. (passed 2:23-2:26)

"Collocation" means putting two kinds of infrastructure in the same place: here, a power line in a highway's right-of-way.

The struck words. In the next sentence, the bill strikes "be underground and." On the printed bill those 3 words have a line through them. With them gone, the sentence would read:

The standards must require that the lines and structures be placed in a manner that will not increase highway maintenance costs for the state transportation department. (passed 2:26-2:28)

The deletion removes the statutory burial requirement. It leaves the maintenance-cost condition in place.

3 WORDS

"be underground and": the only words HB 5940 deletes. With them goes the statute's rule that lines along limited access highways must be buried.

What the change does, and what it does not

It speaks to the standards, not to utilities. Both changes tell "the standards" what to say. Those are the standards "approved by the state transportation commission and the Michigan public service commission that conform to governing federal laws and regulations" (passed 2:18-2:21). Enactment alone puts no line in the right-of-way. The two commissions must approve standards that allow aboveground lines, MDOT must change its guidance item 5.6 or approve an exception to it, and FHWA must approve Michigan's changed accommodation policy. The section 13a coordination duties, by contrast, would start at enactment. Part II covers that path.

The statute would stop being a barrier. If the bill is enacted, nothing in the statute would require burial. That is the plain effect of the strike, and news reports and supporters who said the bill "allows aboveground lines" or "removes the underground requirement" were right about the statute. What most of them left out is that MDOT's guidance, new standards, and federal approval still stand between the statute and a line.

The maintenance-cost condition stays. Lines must still be placed so they do not raise MDOT's highway maintenance costs. We read this as a real limit on overhead designs: a tower that needs new guardrail or other shielding could fail it, so the standards may still restrict where towers stand. The bill says nothing about safety on its own; its safety hooks are this condition and the duty to conform to federal law.

Three smaller points sit in the new sentence:

- **"Subject to section 13a."** Section 13a sets up a process, but it never says anything about aboveground or underground placement. We read the cross-reference as tying the allowance to that process, not as a limit on where lines go.
- **"Projects."** The bill does not define it. The new sentence is not limited to transmission lines, while section 13a covers only transmission lines. With the strike, no utility covered by subsection (2), pipelines included, is held underground by the statute.
- **No deadline.** The bill does not say when the commissions must revise the standards. Part VIII discusses fixes.

The new section 13a, clause by clause

Section 13a is the new process. Every duty in it falls on MDOT. It begins:

On the written request of a utility, an independent transmission company, or an affiliated transmission company, the state transportation department shall coordinate with that utility, independent transmission company, or affiliated transmission company to review requested highway corridors for permissible locations for transmission lines. (passed 4:22-4:27)

An "independent transmission company" and an "affiliated transmission company" are kinds of companies that own high-voltage lines. Michigan defines both in Act 30, the 1995 transmission siting law, not in the highway law, and the bill does not point to those definitions (MCL 460.562(a), (f)).

CLAUSE	WHAT IT SAYS (AS PASSED)	WHAT IT LEAVES OUT
13a(1)	On a company's written request, MDOT must coordinate a review of highway corridors for "permissible" locations (passed 4:22-4:27).	No deadline; no appeal; "permissible" is not defined.
13a(2)	MDOT must share all known plans for future projects that may affect where the company's line goes (passed 4:28-5:4).	Nothing on how or when.
13a(3)	Once MDOT and the company identify a permissible route, they prepare a constructability report. Both must approve it before MDOT issues a permit (passed 5:5-5:17).	Either side can withhold approval; nothing breaks a deadlock.
13a(4)	The report sets terms for building, including an agreed time during which MDOT will not ask the company to move the line (passed 5:18-5:22).	Who pays if MDOT needs the line moved anyway.
13a(5)	If MDOT's "5-year plan" must change substantially for unforeseen reasons at a requested location, MDOT must tell the company in writing as soon as is practical (passed 5:23-6:2).	No fixed lead time; "5-year plan" is not defined; no notice to anyone else.
13a(6)	"Transmission line" means "a high-voltage transmission line" (passed 6:3-6:4).	No voltage figure. Act 30 uses 100 kilovolts (kV) and 345 kV.

A "constructability report" is a joint document that sets out how the line will be built in the right-of-way and on what terms. The key gate is in 13a(3):

The report must be approved by both the state transportation department and the utility, independent transmission company, or affiliated transmission company before the state transportation department issues a permit for use of the highway right-of-way. (passed 5:14-5:17)

Two words in 13a(3) matter. The route must be identified by MDOT "and" the company (passed 5:5-5:8). The leading news story on the bill said MDOT "or" the utility; the text requires both.

The "5-year plan" in 13a(5) is most likely MDOT's Five-Year Transportation Program, which the State Transportation Commission approves each year [7]. Our reading: if the plan is updated every year, the window "after an updated 5-year plan is published but before the next" one covers nearly every day (passed 5:27-5:29). The bill does not define "5-year plan," so this is inference.

Section 13a is not a right to build. It gives a company a way to make MDOT sit down with it, and it gives MDOT a duty to work through a route. It sets no deadline for MDOT, no appeal for the company, and no consequence if a report is never approved. Its four core duties match a Minnesota law passed in 2024

(Minn. Stat. 161.45, subds. 5-6); Part VI traces that history.

The bill has no effective date in its text. The House voted to give it "immediate effect," which in Michigan means it would take effect when signed instead of 90 days after the session ends. The Senate would need its own two-thirds vote for that (Const. 1963, art. 4, sec. 27).

What the House committee changed

The House Transportation and Infrastructure Committee adopted a substitute bill, H-2, by a 15-0 vote on June 23, 2026. The full House adopted H-2 on July 1, without a recorded roll call, and passed it unchanged on August 26. H-2 did not touch section 13: the new sentence and the strike are the same in every print. It changed section 13a in three ways. The House Fiscal Agency's analysis describes the changes but gives no reasons, and we found no party that has spoken about them on the record.

HB 5940 · SEC. 13A, INTRODUCED VS H-2

What the House changed before it passed the bill

Substitute H-2 widened who may ask MDOT for help, softened the hold on moving a line, and replaced the 5-year notice with notice as soon as practical of unforeseen 5-year-plan changes. The House passed H-2 unchanged.

	AS INTRODUCED	H-2, AS PASSED BY THE HOUSE
Who may ask MDOT sec. 13a(1) Wider: transmission companies named	On the written request of a utility or transmission line developer , the state transportation department shall coordinate ...	On the written request of a utility, an independent transmission company, or an affiliated transmission company , the state transportation department shall coordinate ...
The hold on moving a line sec. 13a(4) Softened: "as it is practicable"	... an agreed-on time frame during which the state transportation department shall not request the relocation of the transmission line.	... an agreed-on time frame during which the state transportation department shall not request the relocation of the transmission line as it is practicable .
Notice before MDOT moves a line sec. 13a(5) Cut: the 5-year notice became notice as soon as practical of unforeseen 5-year-plan changes	If state transportation department must relocate a transmission line in a highway right-of-way, the state transportation department must give the utility notice not less than 5 years before the relocation project begins .	If a substantial change to the state transportation department's 5-year plan is necessary due to unforeseen circumstances in a location that a utility, independent transmission company, or affiliated transmission company has submitted a written request to collocate, ... the state transportation department must inform that utility, independent transmission company, or affiliated transmission company in writing as soon as is practical.

TEXT HB 5940 as introduced (2026-05-12) and as passed by the House (H-2 text, unchanged), sec. 13a(1), (4), (5) · struck = removed by H-2 · bold on tint = added by H-2 · ... = words left out

Figure 2: What H-2 changed in section 13a: who may ask, how long the line is safe from relocation, and the notice before a move

Who may ask. As introduced, section 13a ran to "a utility or transmission line developer" (introduced 4:25-4:27). H-2 replaced that with "a utility, an independent transmission company, or an affiliated transmission company" (passed 4:22-4:24). It also extended plan sharing in 13a(2), which as introduced ran only to "a utility." Both new terms come from Act 30, which defines them as companies holding transmission assets that a Michigan electric utility transferred or sold off. We read this as fitting ITC's Michigan companies and as dropping the open term that might have covered a new developer. Whether such a developer could still ask as a "utility" is unclear.

How long the line is safe from relocation. H-2 added 4 words to the end of 13a(4): the agreed no-relocation period now runs "as it is practicable" (passed 5:18-5:22). It is not clear what the phrase modifies. On any reading, it lets MDOT ask for a move inside the agreed period when keeping the promise is not prac-

licable.

The notice before a move. As introduced, 13a(5) said:

If state transportation department must relocate a transmission line in a highway right-of-way, the state transportation department must give the utility notice not less than 5 years before the relocation project begins. (introduced 5:20-5:23)

H-2 replaced it with a duty to inform the company "in writing as soon as is practical" when MDOT's 5-year plan must change substantially for unforeseen reasons (passed 5:23-6:2). The two clauses protect different things. The introduced notice covered any relocation of a line in highway right-of-way, with a fixed 5-year lead time. The H-2 notice covers only a location where a company "has submitted a written request to collocate," requires an unforeseen and substantial change, sets no lead time, and never mentions relocation (passed 5:25-5:27). So the line owner went from a 5-year notice to no fixed notice period. Neither version gives notice to landowners, townships, or counties.

The bill is silent on who pays to move a line. The House Fiscal Agency says that when a utility is in the right-of-way by permit, 'the highway agency typically does not pay for relocation' [8]. We read H-2 as moving relocation risk onto line owners, and through them most likely onto the people who pay their electric bills. Part V takes this up, including how Minnesota handles it.

	AS INTRODUCED (AND SB 933)	AS PASSED BY THE HOUSE (H-2)
Who may ask MDOT	A utility or transmission line developer	A utility, an independent transmission company, or an affiliated transmission company
Plan sharing	With a utility only	With all three
No-relocation period	Agreed time frame	Agreed time frame "as it is practicable"
Notice before a move	5 years, to the utility	"As soon as is practical," of unforeseen 5-year-plan changes, to the requester
Section 13 (the strike and the new sentence)	Same	Same

What the bill leaves alone

HB 5940 does not amend Act 30, the law under which the Michigan Public Service Commission (MPSC) decides whether and where a major transmission line may be built. It does not restore local consent, change the permit fee, or add notice to people who live near a highway. It sets no deadline for MDOT, the two commissions, or federal regulators. These gaps are the subject of Parts III through V.

SB 933, the Senate twin

About three weeks before HB 5940 was introduced, Sen. Rosemary Bayer introduced Senate Bill 933. It is HB 5940 as introduced, word for word, drafted from the same request to the Legislative Service Bureau. So SB 933 carries the same strike of "be underground and" and the same new sentence, along with every pre-H-2 term: "transmission line developer," plan sharing with "a utility" only, no "as it is practicable," and the 5-year relocation notice. Either bill would end the statutory rule that lines along these highways be buried. If the Senate moved SB 933 instead of HB 5940, it would reopen the choices H-2 made, and the House would have to act again.

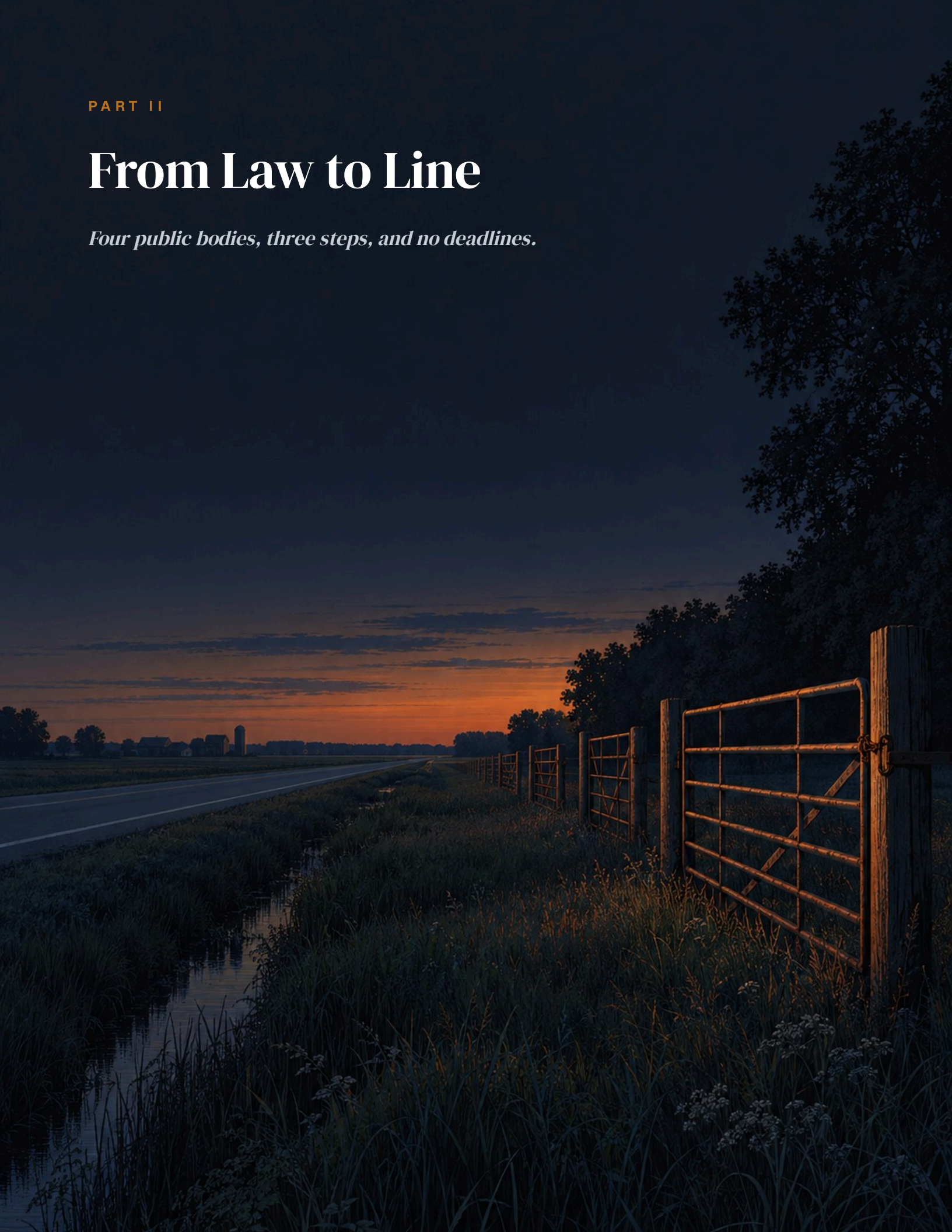
WHAT THIS MEANS FOR YOUR COMMUNITY

If enacted, HB 5940 would take the burial rule out of the statute, and that part is not in doubt. But the bill speaks to standards that two state commissions have not yet written, and to an MDOT process that the company, not your township, starts. Nothing in the text gives a township, a county, or a landowner notice of a corridor review, a constructability report, or a permit. If your community sits along a limited access highway, the practical step now is to watch for, and ask to take part in, the rewrite of the highway standards and MDOT's guidance, since the bill itself opens no door for you there. Part II shows who has to act, and Part IV shows where your voice still counts.

PART II

From Law to Line

Four public bodies, three steps, and no deadlines.



From Law to Line

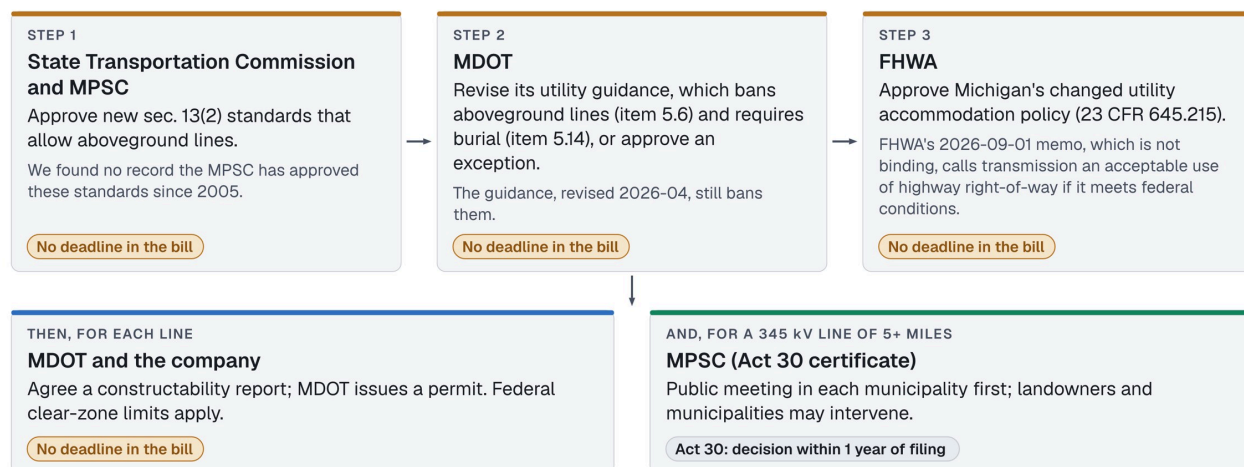
- Enacting HB 5940 would not put a single line in highway right-of-way. For an overhead line, four public bodies must still act in three steps: the State Transportation Commission and the MPSC approve new standards, MDOT revises its guidance, and the Federal Highway Administration approves Michigan's changed policy.
- After those steps come MDOT's constructability report and permit, and, for a major line, a certificate from the MPSC under Act 30.
- The bill sets no deadline for any of these bodies.
- An underground line could use the new MDOT process right away, because current law already allows buried lines along limited access highways.
- No step in this path gives notice to neighbors or a role to townships, except Act 30.

Part I showed what the bill says. This part asks a practical question: if HB 5940 became law tomorrow, what would still have to happen before an overhead power line could stand inside the right-of-way of a highway like I-96? The answer is a path with several gates. The bill opens the first one, the statute, and leaves the others where they are.

HB 5940 · FROM LAW TO LINE

Four public bodies, three steps, then a permit

If HB 5940 becomes law, these still come before an overhead line along a limited access highway. The bill sets no deadline for any of them.



Step 1 is in sec. 13(2) itself. Steps 2 and 3 come from MDOT guidance and federal rules. They are numbered for reading; no law sets their order.

SOURCES HB 5940 as passed by the House, sec. 13(2), 13a · MDOT utility accommodation guidance (rev. 2026-04) items 5.6, 5.14 · 23 CFR 645.209, 645.215 · FHWA memo 2026-09-01 · Act 30, MCL 460.562, 460.566, 460.568

Figure 3: The path from law to line: four public bodies in three steps, then the MDOT permit and Act 30; HB 5940 adds no deadlines

Four public bodies, three steps

The bill's new sentence does not speak to utilities or to MDOT staff. It speaks to "the standards." Those are the standards for utility lines in limited access highway right-of-way, which the statute says are:

in accordance with standards approved by the state transportation commission and the Michigan public service commission that conform to governing federal laws and regulations (passed 2:18-2:21)

That one clause sets up the first gate and points to the third. Here are the steps in order.

STEP	WHO ACTS	WHAT THEY MUST DO	DEADLINE IN THE BILL
1. Standards	State Transportation Commission and MPSC	Approve standards that allow aboveground lines	None
2. Guidance	MDOT	Rewrite guidance items 5.6 and 5.14, which ban aboveground lines and require burial, or approve an exception	None
3. Federal policy	Federal Highway Administration (FHWA)	Approve Michigan's changed accommodation policy	None
Then	MDOT and the company	Agree on a constructability report; MDOT issues a permit	None
Then, for a major line	MPSC	Grant an Act 30 certificate	1 year from the application, under Act 30

The State Transportation Commission is the board that sets policy for MDOT. The Michigan Public Service Commission (MPSC) regulates utilities and decides where major power lines may go. FHWA is the federal agency that oversees highways built with federal money, including every Interstate. An "accommodation policy" is a state's set of rules for letting utilities use highway right-of-way.

Step 1: Two commissions approve new standards

The bill says the standards "must allow for the collocation of projects, including aboveground lines and structures" (passed 2:24-2:25). But the standards are not written by the bill. Both commissions have to approve them, and they must still conform to federal law.

There is a wrinkle. The law has required the MPSC to co-approve these standards since 2005. We found no record that the MPSC has approved these standards since 2005 PA 103 required its approval. The MDOT guidance we found cites only State Transportation Commission policy, which hands the detailed rules to MDOT guidance. We read this as meaning the bill's duty to "allow" aboveground lines may have no joint standards to attach to until the two commissions adopt them, perhaps for the first time. The bill does not say who moves first, sets no deadline, and provides no tie-breaker if the commissions disagree.

Two other limits carry over into whatever the commissions write. The allowance is "Subject to section 13a," but section 13a says nothing about placement, so the commissions get no direction on where or how overhead lines may stand. And the standards must still require that lines "be placed in a manner that will not increase highway maintenance costs for the state transportation department" (passed 2:26-2:28).

Step 2: MDOT rewrites its guidance

Today the rule that actually stops an overhead line is in MDOT's Utility Accommodation Guidance, issued under State Transportation Commission Policy 10014. Item 5.6 says, "Longitudinal occupancy of limited access state highway right-of-way by aboveground facilities is prohibited." Item 5.14 requires lines placed lengthwise in limited access right-of-way to be underground and continuous, preferably in the outer 15 feet of the right-of-way [5].

The bill does not mention this guidance. After enactment, the statute would no longer require burial, but items 5.6 and 5.14 would stay in force until MDOT revises them or approves an exception. The guidance itself sends uses on Interstate limited access right-of-way that are not in accordance with it to FHWA review; whether MDOT would except a flat prohibition is untested. MDOT filed a "neutral" card on the bill and has said nothing on the record about what it would do.

Step 3: FHWA approves the changed policy

Federal rules require FHWA to approve a state's accommodation policy and any change to it (23 CFR 645.215(b)-(c)). So once Michigan rewrites its standards and guidance, FHWA must sign off. FHWA can also agree to a single permit that departs from the approved policy (23 CFR 645.215(d)), but that cannot waive a Michigan rule such as item 5.6.

FHWA's September 1, 2026 guidance supports transmission as a potential use of highway land. It says electric transmission projects "are acceptable alternative uses of the Interstate or non-Interstate highway ROW and are in the public interest if they comply with 23 U.S.C. 111" and FHWA's property rules [4]. The memo is guidance, not binding: it says it does not have the force and effect of law. It replaces FHWA's April 27, 2021 memo. Federal law never required Michigan's underground rule. It does set limits that stay in place whatever Michigan writes:

- **The clear zone.** No new aboveground utility installations in the "clear zone," the strip beside the road kept free so a driver who runs off it can recover, unless burial is not technically feasible or is unreasonably costly and there is no feasible alternate location (23 CFR 645.209(b)).
- **Freeway plans.** Lengthwise use inside a freeway's access control lines is allowed only under a state plan that ensures no harm to safety, weighs effects on farmland, and sets a utility strip along the outer edge of the right-of-way (23 CFR 645.209(c)).

We read the outer-edge strip as placing any line nearest the people who live beside the highway. Part IV takes that up.

Then: MDOT's report and permit

Section 13a, the new MDOT process, works on the day the bill takes effect. On a company's written request, MDOT must coordinate a corridor review and share its plans. Once MDOT and the company identify a "permittable" route, they prepare a constructability report, and MDOT may not issue a permit until both approve it (passed 5:5-5:17).

The report must be approved by both the state transportation department and the utility, independent transmission company, or affiliated transmission company before the state transportation department issues a permit for use of the highway right-of-way. (passed 5:14-5:17)

"Permittable" is not defined. Until the standards and guidance change, we read it as meaning underground, because MDOT's guidance still bans overhead lines. So in its first months the process would mostly serve buried lines, which current law already allows. An underground line could use section 13a at once, without waiting for steps 1 to 3.

The report is a two-key document: either side can withhold approval, and nothing breaks a deadlock. MDOT then issues the highway permit. If the standards provide for a charge, MDOT may collect a one-time fee of up to \$1,000 per mile with a \$5,000 minimum, plus any permit cost the fee does not cover. No local consent is needed.

Then, for a major line: Act 30

The MPSC appears twice on this path. It co-approves the highway standards, and it is Michigan's siting authority under the Electric Transmission Line Certification Act, 1995 PA 30 ("Act 30"). A large electric utility or transmission company that proposes a "major transmission line," one of 345 kilovolts (kV) or more and 5 miles or more, must apply for an Act 30 certificate (MCL 460.562(g); MCL 460.567(1)). HB 5940 does not amend Act 30.

Act 30 is where people and local governments have a formal role. Before applying, the company must hold a public meeting in each municipality the line would pass through (MCL 460.566(1)). Each affected municipality and landowner may join the MPSC case as a party, the MPSC must decide within 1 year, and it must find the route "feasible and reasonable" (MCL 460.568(2), (4), (5)(b)). The company must describe at least one alternate route, and any party may propose one (MCL 460.567(2)(c); MCL 460.568(4)). Part III covers Act 30 in detail.

Nothing in the bill ties MDOT's report to the Act 30 case. They run on separate tracks, and either could come first. The MPSC already prefers routes that use existing rights-of-way. In a 2025 case it rejected a route that was feasible but "not reasonable given the opportunity to use an existing ROW" [9]. Its 2026 proposed rules say an applicant "shall prioritize the use of existing" rights-of-way [6]. None of those texts mentions limited access highways, MDOT, or placing lines inside highway right-of-way. The 2026 guidelines and proposed rules count length paralleling "public roads or highways" only as a route-scoring factor.

The one Act 30 case we found in which a highway route came up is from 2013. Landowners proposed a route in a corridor along I-94, beside the highway, not inside its right-of-way. The utility said its 220-foot right-of-way would not fit along portions of the route. The administrative law judge found the route

could conflict with highway expansion, a point the utility backed with its meetings with MDOT. The MPSC found "ample rebuttal evidence that the I-94 corridor route is not a realistic alternative" (p. 25) [10]. We read this as a warning: if an Act 30 case opens before the standards and guidance change, a utility could point to MDOT's ban on overhead lines to argue that a highway route is not feasible.

No clocks

NO DEADLINE ANYWHERE ON THE PATH

The bill gives no deadline to the State Transportation Commission, the MPSC, MDOT, or FHWA. It sets no time limit for MDOT to finish a corridor review or a constructability report, and it gives no appeal if MDOT and a company never agree. The only clock on the whole path is Act 30's 1-year limit for the MPSC to decide a certificate case, which the bill does not change.

The bill's sponsor, Rep. David Prestin, says it would bring lower project costs and faster timelines. That is a claim. The text sets no schedule, and no study or figure on cost or timing appears in the record we reviewed. A bill that sets no deadlines can sit unused without anyone breaking it.

Where a highway route stands today

Take a planned line such as the proposed Oneida-Sabine Lake 345 kV line. The regional grid operator, the Midcontinent Independent System Operator (MISO), approved it in its 2024 plan, and METC, an ITC subsidiary, is the applicant of record. As of October 4, 2026, we found no Act 30 case for it. If HB 5940 became law, a highway route for any such line would still need the commissions' standards, MDOT's rewritten guidance, and FHWA approval before an overhead design could be permitted, unless the line were buried. None of those steps has a deadline, and none of them, except Act 30, includes the people who live along the route.

WHAT THIS MEANS FOR YOUR COMMUNITY

HB 5940 does not put towers beside a highway on the day it takes effect. It would remove the statute's burial rule, then leave the real decisions to two state commissions, MDOT, and FHWA, on no schedule and with no public process written into the bill. For a township or landowner, that means two things. First, the rewrite of the highway standards and MDOT's guidance is where an overhead line along a limited access highway would actually become possible, so ask MDOT, the State Transportation Commission, and the MPSC to give public notice and take comment when they do it. Second, for any major line, the Act 30 case at the MPSC is still where your township and the landowners on the route are parties by right, and where alternatives must be proposed on time.

PART III

Act 30 and the Senate Package

Where a highway route meets the MPSC, and the bills the House did not take.



Act 30 and the Senate Package

- HB 5940 does not amend Act 30, Michigan's law for siting big power lines. The Michigan Public Service Commission still decides every major route. It must find the route "feasible and reasonable," and it must decide within 1 year.
- The bill's new process runs between the Michigan Department of Transportation and the power company. Nothing in it sends the results to the Commission.
- The Commission already prefers existing rights-of-way, and its proposed 2026 rules would make that a duty. None of its texts mentions limited access highways or MDOT; they count roads and highways only as something a route can run beside.
- The Senate has a 4-bill package from April 2026. Three bills would add notice and route rules under Act 30. The fourth is HB 5940 as first introduced. The House passed only the highway half.
- Comments on the Commission's proposed Act 30 rules are due October 21, 2026. That is the nearest chance to ask whether highway right-of-way is an "existing right-of-way."

Two tracks that never meet

Two different agencies would have to say yes before a large power line could run along a limited access highway. Limited access highways are roads such as I-96 or I-69, with no driveways onto them. HB 5940 deals with only one of the two agencies.

The first track is the Michigan Department of Transportation (MDOT). MDOT runs nearly all of the state's limited access highways. A company that wants to put a line inside highway right-of-way needs an MDOT permit. HB 5940 changes the rules for that permit. It also adds a new section 13a, which tells MDOT how to work with a company that asks.

The second track is the Michigan Public Service Commission (MPSC, or "the Commission"). Under the Electric Transmission Line Certification Act of 1995, called Act 30, a company that wants to build a "major transmission line" needs a certificate from the Commission first. A major line is one that carries 345 kilovolts (kV) or more and runs 5 miles or more (MCL 460.562(g)). Proposed lines like the Oneida-Sabine Lake line in central Michigan are this size.

HB 5940 does not amend Act 30 or mention the Commission's certificate. It never names the Commission at all, except as one of the two bodies that approve MDOT's standards (passed 2:18-2:21). Section 13a borrows two company types from Act 30, "independent transmission company" and "affiliated transmission company," but it does not cross-reference Act 30 (MCL 460.562(a), (f)).

The bill's last step on the MDOT track is a "constructability report." That is a document MDOT and the company write together. It says where and how the line can be built in the highway right-of-way. The bill says who must sign it, and nothing more about where it goes.

"The report must be approved by both the state transportation department and the utility, independent transmission company, or affiliated transmission company before the state transportation department issues a permit for use of the highway right-of-way." (passed 5:14-5:17)

The report serves MDOT's permit. Nothing in the bill sends it to the Commission, and nothing says whether it must exist before an Act 30 application is filed. Minnesota, whose 2024 law has the same 4 duties as section 13a, has the same gap. Minnesota's transportation department wrote to that state's utility commission in 2025 that the law "does not specify when the Applicant must submit a report" [11].

How Act 30 works today

Act 30 sets the steps a major line must go through. Each one is a place where a township or a landowner can be heard.

STEP	WHAT THE LAW REQUIRES	WHERE
Before applying	A public meeting in each municipality the line would pass through. In the 60 days before it, a written offer to meet with each affected municipality's chief elected official.	MCL 460.566(1)-(2)
The application	A description and evaluation of 1 or more alternate routes, and the reasons the company chose its proposed route.	MCL 460.567(2)(c)
Notice	A newspaper notice, plus notice sent to each affected municipality and each landowner whose property the line will be built on.	MCL 460.568(1)
The case	A contested case, run like a trial. Each affected municipality and landowner has a right to intervene as a full party, subject to filing procedures.	MCL 460.568(2)
The decision	Within 1 year of filing. If a party offers an alternative route, the Commission grants the company's route or 1 alternative, or denies.	MCL 460.568(4)
The test	The route must be "feasible and reasonable."	MCL 460.568(5)(b)

The test is not "best route." In 2013 the Commission said so in Case U-17041 [10], and the Michigan Court of Appeals later upheld that order (309 Mich App 1 (2014)). A route that is workable and fair can win even if a party shows a better one.

Act 30 also says it "shall control in any conflict between this act and any other law of this state" (MCL 460.563(2)). No one has tested whether that lets a Commission certificate override MDOT's rules for highway right-of-way. We found no order or court case on it.

How a highway route gets into an Act 30 case

Act 30 provides two routes for presenting a highway alternative to the Commission. The company can file it as its proposed route or one of its alternates. Or another party, such as a township or a group of landowners, can offer it as an alternative once the case is open.

The company has a procedural advantage in developing a highway alternative because it can request MDOT's corridor review. Other parties may propose alternatives under Act 30, but section 13a gives them no corresponding right to that review. Section 13a lets only 3 kinds of companies ask MDOT for help.

"On the written request of a utility, an independent transmission company, or an affiliated transmission company, the state transportation department shall coordinate with that utility, independent transmission company, or affiliated transmission company to review requested highway corridors for permissible locations for transmission lines." (passed 4:22-4:27)

MDOT must share "all known plans" about future highway work only with those same companies (passed 4:28-5:4). A township, a county, or a landowner has no right to ask MDOT for anything under the bill. MDOT has no deadline even for the companies that can ask (passed 4:22-6:4).

The Commission's own procedure narrows the window for everyone else. In January 2026 the Commission adopted voluntary Act 30 filing guidelines. In that order it found it "reasonable to require" parties to propose any alternative route within 45 days after the prehearing conference, the first scheduling meeting in the case (Order O-013620, pp. 30-31) [12]. Guideline 3.2 says such routes "should" stay within the area invited to the public meetings: land within 1 mile of the company's routes, or between them. The Commission's proposed rules do not carry these limits over.

We read this as a practical bar. A party can offer a highway route only if a highway lies near the company's routes. It must do so in about 45 days, without MDOT's plans and without a constructability report. The one past case shows what happens then.

The one past test: an I-94 corridor in 2013

Only one Act 30 case we found had a highway route on the table. In Case U-17041 (2013), the Michigan Electric Transmission Company (METC, a subsidiary of ITC Holdings) applied for a 138 kV line. Landowners who had intervened proposed an "I-94 corridor route." It was a corridor along I-94, not a line inside the highway right-of-way [10].

The landowners said METC's own route study scored their route best. METC answered that its 220-foot right-of-way would not fit along portions of the I-94 route. The administrative law judge found that the route could conflict with highway expansion, and METC defended that point, saying its meetings with MDOT were better evidence than the landowners' review of MDOT's website. These arguments are at pages 17 to 20 of the order. The Commission found "ample rebuttal evidence that the I-94 corridor route is not a realistic alternative" (p. 25) [10]. Part IV looks at this case from the landowners' side.

The lesson for a highway route is about evidence. MDOT's findings can help the Commission evaluate a highway alternative. HB 5940 gives the company a right to request a corridor review, but gives other parties no corresponding right.

What enactment would change in the "feasible" question

We read current law to mean that an overhead line inside limited access highway right-of-way would almost surely fail the "feasible" half of the Act 30 test today. Current law requires lines there to be underground (MCL 247.183(2)). MDOT's utility accommodation guidance also bans them. Item 5.6 says, "Longitudinal occupancy of limited access state highway right-of-way by aboveground facilities is prohibited" [5].

HB 5940 strikes the words "be underground and" from the statute and adds a sentence.

"Subject to section 13a, the standards must allow for the collocation of projects, including above-ground lines and structures, in limited access highway rights-of-way." (passed 2:23-2:26)

We read this to mean that after enactment the statute itself would no longer make an overhead highway route infeasible. The other barriers stay until each one changes. MDOT would have to revise item 5.6 or approve an exception to it. The State Transportation Commission and the MPSC would have to approve new standards. The Federal Highway Administration (FHWA) would have to approve Michigan's changed policy (23 CFR 645.215). The federal clear-zone rule would still apply (23 CFR 645.209(b)). Until those steps happen, a company could answer a highway alternative by pointing to item 5.6. Part II walks through these steps.

The Commission already prefers existing rights-of-way

The Commission has moved toward existing corridors in 3 steps since 2025.

WHEN	WHAT	STATUS	KEY WORDS
July 10, 2025	Order in Cases U-21471 and U-21472 (METC, 345 kV) [9]	Final order	The proposed route, "while feasible, is not reasonable given the opportunity to use an existing ROW"
January 29, 2026	Filing guidelines, Case U-21930, for applications filed from April 29, 2026 [12]	Voluntary	Applicants "should prioritize the use of existing ROWs when weighting factors and scoring potential routes" (Guideline 4.10(c))
October 1, 2026	Proposed rules R 460.51-460.58, Case U-22064 [6]	Proposed; comments due October 21, 2026	"An applicant shall prioritize the use of existing rights-of way" (R 460.58(2))

"ROW" in these texts means right-of-way. In the 2025 order, the Commission picked METC's alternate route over its proposed one because the alternate used an existing corridor. It said it "expects METC and future Act 30 applicants to thoroughly explore utilizing existing ROWs, and any potential ROWs through public lands" [9]. It also faulted METC for rejecting a route through a state game area. METC had relied on "a single email response" from the Department of Natural Resources, which the Commission called "lacking and completely inadequate" [9].

None of these texts mentions limited access highways, MDOT, or the 1925 law that HB 5940 amends. The proposed rules do not define "existing rights-of-way." "Highway" shows up only as something a line can run beside: the guidelines and proposed rules list length paralleling "public roads or highways" among route-scoring factors. Running beside a highway is not the same as running inside its right-of-way.

We read the 2025 order as a warning to companies. If MDOT's rules someday allow overhead lines in highway right-of-way, a company that drops a highway route may need more than one letter from MDOT to explain why. Section 13a would give the company a way to build that record. It gives no one else that way.

The Senate package came first

On April 23, 2026, Senators Sam Singh and Rosemary Bayer introduced 4 bills, SB 930 through SB 933; Bayer alone sponsored SB 933. All 4 went to the Senate Energy and Environment Committee. That was 19 days before HB 5940 was introduced in the House.

HB 5940 · ACT 30 AND THE SENATE PACKAGE

Notice and route rules: what each text adds

	Law today	MPSC guidelines (voluntary, 2026-01-29)	MPSC proposed rules (U-22064)	SB 930-932	HB 5940 as passed by the House
Notice before public meetings	A meeting in each municipality; offer to meet local officials; no mailed notice	Invitation within 1 mile of the route edge and between routes	Same area, by first-class mail	SB 932: mailed notice within 1 mile of the centerline and between routes, in statute	Nothing
Meetings, map site, route requests	Nothing beyond the meeting	90-day map site; consider public route changes; EMF information	Binding versions; consider all reasonable route changes	SB 932: map site for 90+ days; segment data; EMF expert; tax by township	Nothing
Notice of application	Owners whose land the line crosses; municipalities	Along routes plus 1 mile, 1/4 mile, or 500 feet; not between routes	Law-today set, plus a 1-mile map	SB 930: within 1 mile of the centerline and between routes	Nothing
Alternative routes by parties	Any party may submit one	Within 45 days of the prehearing; near the applicant's routes	No limit found	No change	Nothing
Existing corridors	Not in statute; MPSC expects applicants to explore existing rights-of-way	Should prioritize existing rights-of-way	Shall prioritize existing rights-of-way	SB 931: describe what was considered	Nothing in Act 30
Highway right-of-way	Underground only; no local consent needed	Counts length paralleling "public roads or highways" in route scoring; no mention of limited access highways or MDOT	Same scoring factor; no mention of limited access highways or MDOT	SB 933 = HB 5940 as introduced	Standards must allow aboveground lines; MDOT coordination and report
Status	Law	For filings from 2026-04-29	Comments due October 21, 2026	In Senate committee since 2026-04-23	In Senate committee since 2026-09-09

SOURCES MCL 460.566, 460.568 · MPSC U-21930 order 2026-01-29 (guidelines) · U-22064 proposed rules 2026-10-01 · SB 930-933 · HB 5940 as passed by the House · m-act30-senate memo

Figure 4: The Senate bills add notice and route rules to Act 30; HB 5940 adds only the MDOT process

BILL	WHAT IT WOULD DO	COMPARED WITH THE COMMISSION'S OWN WORK
SB 930	Amend MCL 460.568. When a company applies, mail notice to municipalities and landowners along, within 1 mile of the centerline of, and between the proposed and alternate routes.	Wider than the guidelines or the proposed rule at the application stage. The proposed rule mails only to the set the statute already names.
SB 931	Amend MCL 460.567. Require "a detailed description of the evaluation and selection" of the route, including, "to the extent applicable," whether the company considered running beside existing rights-of-way or its own lines.	Weaker than the proposed rule, which says "shall prioritize." Its catch title says "require to use existing rights-of-way," but the text asks only for a description.
SB 932	Amend MCL 460.566. Before the public meetings, mail notice to the same 1-mile set; keep a public map website for at least 90 days; give segment-by-segment data; record answers to route requests; present information on electric and magnetic fields (EMF) and tax revenue by township.	Close to the Commission staff's September 2025 draft guidelines, which the final guidelines narrowed.
SB 933	Amend 1925 PA 368, the same law as HB 5940.	Word for word the same as HB 5940 as introduced, from the same drafting request, including the strike of "be underground and" and the 5-year relocation notice.

The Senate bills' strongest point is that they are statute. A rule can be changed later by the Commission. Changing a statutory notice requirement requires legislative action. We read SB 930 and SB 932 as following the Commission staff's September 2025 draft guidelines more closely than the final ones. That is a side-by-side reading, not a formal comparison [13].

SB 933 matters for a different reason. It is the Senate twin of HB 5940, but it carries the text from before the House committee rewrote it in a substitute called H-2. If the Senate moved SB 933 instead of HB 5940, it would bring back the 5-year relocation notice that H-2 cut. Either bill would end the statutory underground rule. Part V covers the relocation notice.

None of the 4 Senate bills has had a hearing. No tie-bar links them to HB 5940. A tie-bar would make one bill take effect only if another also passes; without one, HB 5940 can become law alone. We found no public statement on SB 930, 931, or 932 from anyone, including their sponsors.

Other states tie the two halves together

Several other states tell their siting agencies how to treat existing corridors, including highways.

- **Wisconsin** ranks corridors in statute: existing utility corridors first, then highway and railroad corridors, then new ones. The ranking binds its utility commission, natural resources department, and transportation department (Wis. Stat. 1.12(6)) [14].
- **Minnesota** requires its utility commission to "make a specific finding" that it considered existing transmission routes and running beside existing highway right-of-way, and to give reasons if they are not used (Minn. Stat. 216I.05) [15].
- **Colorado** (2025) requires a route-selection report, which does not bind the decision, showing that existing utility corridors and then state highway right-of-way were considered [16]. **Virginia** (2026) says existing linear corridors, including highway corridors, "shall be prioritized" [17].

Michigan has split the two halves. The highway coordination bill passed the House. The siting bills have not moved. Neither the bills, the guidelines, nor the proposed rules name highway right-of-way as a corridor to consider.

What the House did not take

The House passed HB 5940 98-0; the other 12 members had been excused and did not vote. It took the MDOT process and left the rest.

- **The Act 30 bills.** No notice to neighbors, no route-selection rule, and no corridor priority.
- **A link to the Commission's case.** The bill does not say whether MDOT's constructability report goes into the Act 30 record, or when.
- **Minnesota's other terms.** Minnesota pairs the same 4 MDOT-style duties with a coordinator named within 30 days, 4 years' notice of relocation "as much as practicable," and a 75% state share of relocation cost when it moves a line in interstate right-of-way earlier than agreed or on less notice [18].
- **Its own 5-year notice.** H-2 removed it. SB 933 still has it.

The October 21 comment deadline

The Commission's proposed Act 30 rules are open for comment. A public hearing is set, and written comments are due October 21, 2026 [6]. Once adopted, the rules would bind every applicant, unlike the voluntary guidelines.

Three questions in the docket bear on highway routes. Part IV explains the last one.

- Does "existing rights-of-way" in proposed R 460.58(2) include limited access highway right-of-way?
- Should the 45-day limit on a party's alternative route become a rule, and does it leave time to get information from MDOT?
- Should notice at the application stage reach neighbors of a line built on state land, who may own none of the land it crosses?

WHAT THIS MEANS FOR YOUR COMMUNITY

HB 5940 does not change how the Commission picks a route for a big line, and it gives your township no new step in that process. Your rights are still in Act 30: the public meeting, the offer to meet your supervisor or mayor, full party status in the case, and the 1-year decision. If you think a highway route is better or worse than the company's, raise it early, because the Commission expects alternatives within about 45 days after the prehearing conference. Ask the company in writing whether it has asked MDOT about any highway segment, and ask that the answer go into the record. Before October 21, 2026, you can comment on the Commission's proposed rules in Case U-22064, including whether highway right-of-way counts as an existing right-of-way.

PART IV

Your Community, Your Land

No new notice and no new say, and where you still have a voice.



Your Community, Your Land

- HB 5940 gives townships, counties, and landowners no new notice and no new say. Its new process has two parties: the Michigan Department of Transportation and the power company.
- Townships already have no consent role along limited access highways. That changed in 2005, and the bill leaves it alone.
- Your voice is still in Act 30, the state's law for siting big power lines. For a line of 345 kilovolts or more and 5 miles or more, you get a public meeting, a written offer to meet your top elected official, and full party status in the state case.
- The only past case with a highway corridor route went against it. In 2013 the Commission found an I-94 corridor "not a realistic alternative."
- Neighbors of a line built inside highway right-of-way may get no mailed notice at all. A Senate bill would fix that. The state's proposed rules would not.

What the bill gives you, and what it does not

HB 5940 is about one kind of road: the limited access highway. These are roads like I-96, I-69, I-496, and the freeway part of US-127, with no driveways onto them. The bill changes the rules for power lines built lengthwise inside the land the state owns along those roads. That land is the highway right-of-way.

The bill has two parts. It strikes the words "be underground and" from the law, so the law would no longer require those lines to be buried. And it adds section 13a, which tells the Michigan Department of Transportation (MDOT) how to work with a power company that asks to use a highway corridor. Part I explains both. This part asks what they mean for the people who live and govern along the route.

QUESTION	WHAT HB 5940 DOES	WHERE IT COMES FROM
Does my township have to consent?	No. It already does not, along limited access highways.	Current law since 2005; unchanged
Does my township get a step in MDOT's review?	No. Section 13a has two parties: MDOT and the company.	passed 4:22-6:2
Will neighbors be told?	Not by this bill. Its only notice goes to the company.	passed 5:23-6:2
Does my township or county get any of the permit fee?	No. All of it goes to limited access highway costs.	passed 3:11-3:14
Is there a deadline or an appeal?	No, for anyone.	passed 4:22-6:4
Does Act 30 still apply to big lines?	Yes. The bill does not touch it.	MCL 460.566-460.568

Local consent was already gone

For ordinary roads, a utility must first get "the consent of the governing body of the city, village, or township" before it builds lines along them (passed 2:10-2:13). For limited access highways, the law makes an exception.

"is not required to obtain the consent of the governing body of the city, village, or township as required under subsection (1)." (passed 2:21-2:23)

That exception came with a 2005 law. HB 5940 does not change it. There is no local veto here to lose, and the bill does not create one. Counties have no role either. In MDOT's 2026 road data, nearly every limited access highway mile is a state trunkline that MDOT controls.

No seat in MDOT's review

Section 13a starts when a company makes a written request. MDOT must then review highway corridors with the company, share its plans for future road work, and write a "constructability report" with the company before it issues a permit. Every duty in section 13a falls on MDOT. The text has no public hearing, no comment period, and no publication.

The only notice in the bill goes to the company

As first introduced, section 13a told MDOT to give the utility 5 years' notice before moving its line. The House committee's substitute, called H-2, replaced that with notice "as soon as is practical" of unforeseen changes to MDOT's 5-year plan. Both versions speak only to the company. Neither tells a landowner, a township, or a county anything (introduced 5:20-5:23; passed 5:23-6:2).

None of the fee

The law lets the standards provide for a one-time fee of up to \$1,000 per mile, \$5,000 minimum, and lets MDOT bill any permit cost the fee does not cover. The bill keeps that rule. Where the money goes is fixed too.

"All revenue received under this subsection must be used for capital and maintenance expenses incurred for limited access highways, including the cost of issuing the permit." (passed 3:11-3:14)

No voltage figure

Section 13a covers any "transmission line," which it defines only as "a high-voltage transmission line" (passed 6:3-6:4). It sets no number. Act 30's certificate covers only major lines of 345 kilovolts (kV) or more and 5 miles or more (MCL 460.562(g)). We read this to mean a 138 kV or 230 kV line could go through MDOT's process with no local consent, no Act 30 meeting, and no mailed notice to anyone.

Where you still have a voice: Act 30

For a major line, the Electric Transmission Line Certification Act of 1995, called Act 30, still applies in full. HB 5940 does not amend it. A highway route, if one is ever proposed, goes through the same steps as any other.

Before the company applies. It must hold a public meeting in each municipality the line would pass through. In the 60 days before that meeting, it must offer in writing to meet with each affected municipality's chief elected official, such as the township supervisor or the mayor. The meeting is "to explore the routes to be considered" (MCL 460.566(1)-(2)). A highway route still passes through townships, so these meetings would still happen.

When the company applies. The application must describe at least 1 alternate route and say why the company chose its proposed route (MCL 460.567(2)(c)). The Michigan Public Service Commission (MPSC) then runs a contested case, a hearing run much like a trial. Each affected municipality and each affected landowner "shall be granted full intervenor status as of right" (MCL 460.568(2)). Eligible municipalities and landowners have a right to intervene, subject to the case's filing procedures. As parties, they can present evidence, question witnesses, and propose an alternative route.

The decision. The Commission must decide within 1 year. If a party proposes an alternative route, the Commission grants the company's route or 1 alternative, or denies the application. It may grant only a route that is "feasible and reasonable" (MCL 460.568(4), (5)(b)).

The clock for your own route. In January 2026 the Commission adopted voluntary filing guidelines. In that order it found it "reasonable to require" parties to propose any alternative route within 45 days after the prehearing conference, the first scheduling meeting in the case (Order O-013620, pp. 30-31) [12]. The guidelines say such routes "should" stay within 1 mile of the company's routes or between them. The Commission's proposed rules, now open for comment, do not carry these limits over [6].

ACT 30 REACHES ONLY MAJOR LINES

Act 30's certificate and its public meetings apply to lines of 345 kV or more that run 5 miles or more. A smaller line in highway right-of-way would not trigger them.

The notice gap for highway neighbors

When a company files an Act 30 application, the law requires notice to "each affected landowner on whose property a portion of the proposed major transmission line will be constructed" (MCL 460.568(1)).

We read this to leave a gap. If a line is built inside MDOT right-of-way, the owner of that land is the state. A family whose house sits 50 feet from the right-of-way line owns none of the land the line crosses, so the statute does not require a letter to them. The law does not define "affected landowner," so it is also unsettled whether that family is an intervenor as of right. We found no Commission order on the question.

Three proposals would set notice areas, and they differ.

	BEFORE THE PUBLIC MEETINGS	WHEN THE COMPANY APPLIES	STATUS
Act 30 today	A meeting in each municipality and an offer to its chief elected official; no mailing area set	Owners whose land the line is built on, plus a newspaper notice	In force
Commission guidelines (January 2026)	Invitations within 1 mile of the edge of each route's right-of-way and between routes	1 mile, one-quarter mile, or 500 feet, depending on the number of alternates; nothing between routes	Voluntary, for filings from April 29, 2026

	BEFORE THE PUBLIC MEETINGS	WHEN THE COMPANY APPLIES	STATUS
Commission proposed rules (October 2026)	Same set as the guidelines, by first-class mail	Only the owners the statute names, with a map of the 1-mile area	Comments due October 21, 2026
SB 932 and SB 930	Mail at least 15 days ahead to owners along, within 1 mile of the centerline of, and between the routes	The same 1-mile and between-routes set	Introduced April 23, 2026; no hearing

For neighbors of a line on state land, the gap is at the application stage. SB 930 would close it. The proposed rule would not, because it mails the letter only to the owners the statute already names [6]. The comment period on the proposed rules is the nearest place to raise it.

Where a line would sit

Federal rules put new aboveground utility lines "as far from the traveled way as possible, preferably along the right-of-way line" (23 CFR 645.209(b)). On highways with full access control, utilities go in a strip along the outer edge of the right-of-way (23 CFR 645.209(c)). MDOT's guidance prefers the outer 15 feet for buried lines [5].

We read this to mean an overhead line in highway right-of-way would stand on the edge nearest the homes and farms beside the road. Where the right-of-way is too narrow for a large line, the extra width would still have to come from the neighbors, by easement or by condemnation. That is consistent with our map review, which found that existing high-voltage lines near Michigan highways are likely on easements next to the right-of-way, not inside it. We found no line of 100 kV or more confirmed inside limited access right-of-way.

Owners next to a limited access highway also have fewer rights than owners next to an ordinary road. By law they have no right of access to it "by reason of such abuttal," and no easement of "light, air or access" (MCL 252.51). We read this to mean a neighbor whose view changes because of towers inside the right-of-way may have no property claim, while land taken for extra width would be paid for. That is our reading, not a legal opinion. Ask a lawyer before you rely on it.

The one past test: an I-94 corridor in 2013

Only one case under Act 30 that we found had a highway route on the table. It was Case U-17041, decided in 2013 [10]. The Michigan Electric Transmission Company (METC), a subsidiary of ITC Holdings, applied for a 138 kV line. Landowners in the case proposed an "I-94 corridor route." It was a route along I-94, not a line inside the highway right-of-way.

The landowners argued that METC's own route study scored their route best. The order also records them acknowledging a drawback from that same study. By its count, the I-94 route would place 10 to 13 more residences within 150 to 500 feet of the line than METC's routes [10].

METC answered that it needed a 220-foot right-of-way and that there was not enough room along portions of the I-94 route. The administrative law judge found the route could conflict with highway expansion, a point METC backed with its meetings with MDOT. The Commission found "ample rebuttal evidence that the I-94 corridor route is not a realistic alternative" (p. 25) [10].

Two lessons carry over. A highway route can put a line closer to more homes, because people live along highways. Evidence from MDOT about available space and future highway work can be important to the Commission's route decision. Under HB 5940, only the company can ask MDOT to review a corridor.

"On the written request of a utility, an independent transmission company, or an affiliated transmission company, the state transportation department shall coordinate with that utility, independent transmission company, or affiliated transmission company to review requested highway corridors for permissible locations for transmission lines." (passed 4:22-4:27)

Who could gain and who could lose

Supporters say highway siting spares farms and private land. Rep. David Prestin, the sponsor, says that under current law projects "are often forced into conflict with private property owners" [19]. These are claims. No party offered numbers.

We read the likely effect, if the bill becomes law and MDOT's rules change, this way:

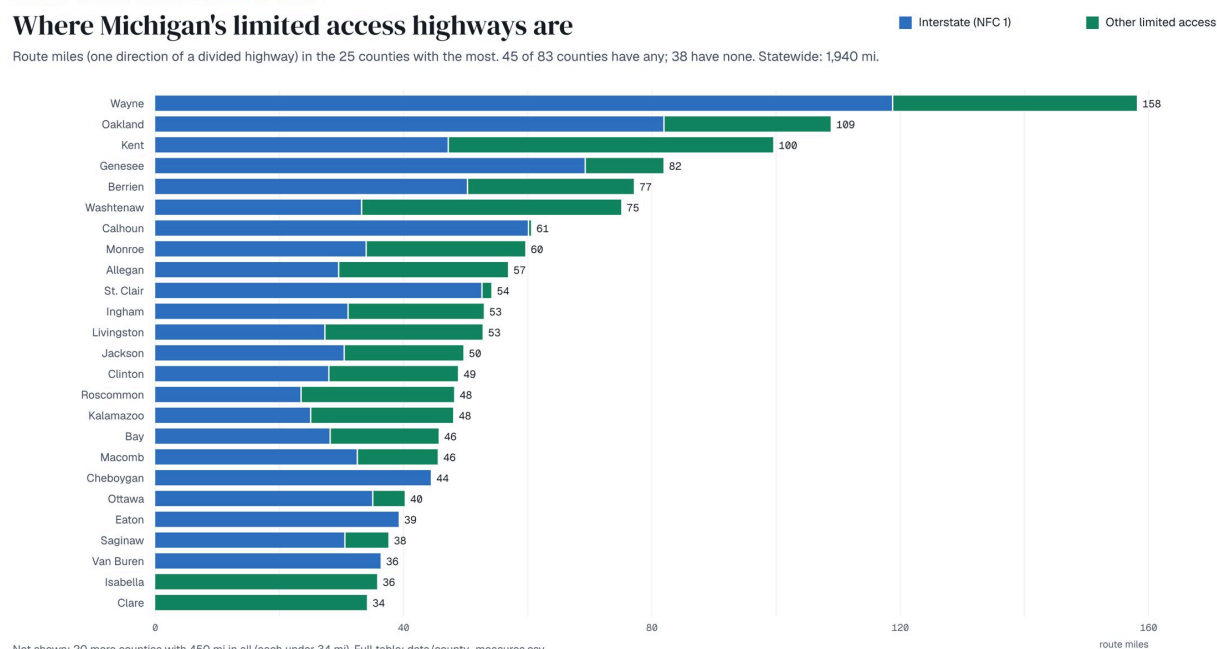
- **Owners of farmland and woodlots** that a cross-country route would cross could gain. They gain only where a highway runs the right way.
- **People who live along limited access highways** could lose. They would get the line at the edge nearest them, may get no mailed notice, and could face a second easement if MDOT widens the road and the line has to move outward. Part V covers relocation.
- **Townships and counties** see little change on paper. They already lack consent and get none of the fee. We found no source on how a line inside state right-of-way is taxed compared with one on a private easement.

The map: where limited access highways run

Michigan has about 1,940 route miles of limited access highway in 45 of 83 counties. Wayne, Oakland, Kent, Genesee, and Berrien lead. The 10 counties with the most hold about 43% of the miles, and 38 counties have none. In the Upper Peninsula only Mackinac and Chippewa, on I-75, have any. These figures come from our analysis of MDOT's 2026 road data [20].

Where Michigan's limited access highways are

Route miles (one direction of a divided highway) in the 25 counties with the most. 45 of 83 counties have any; 38 have none. Statewide: 1,940 mi.



SOURCE MDOT Roads & Highways v26 (2026), AccessControl = 1, state trunkline mainline, inventory direction - county split on TIGER/Line 2025 counties - ramps excluded

Figure 5: Ten counties hold about 43% of Michigan's limited access highway miles, and 38 have none

Today's large lines mostly do not follow these roads. As mapped by HIFLD, a federal mapping data set, Michigan has about 3,560 line miles of 345 kV-and-up transmission [21]. That is a floor, not a census: about 1,580 more mapped miles have no voltage listed. Only about 3.6% of the mapped 345 kV-and-up miles run alongside a limited access highway within 1 kilometer. We read this to mean most new line miles will still cross private land under any version of the bill.

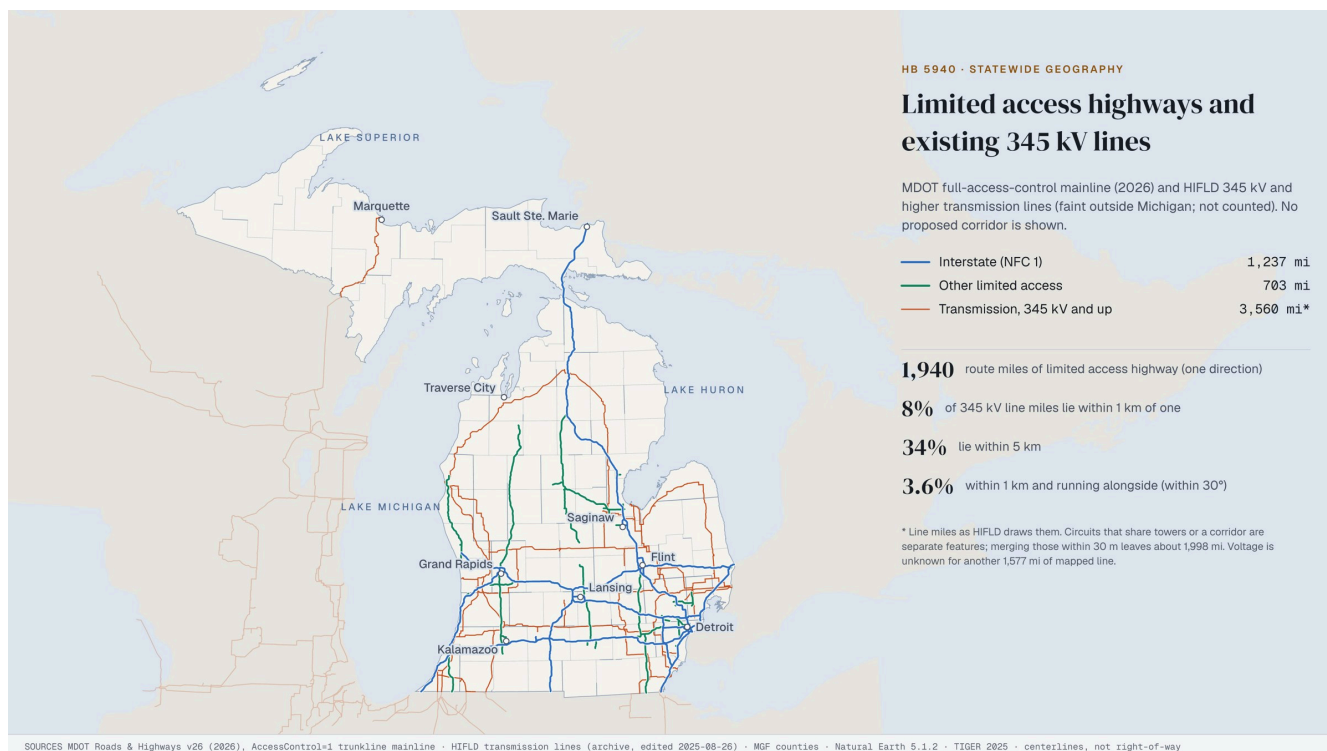


Figure 6: Most of Michigan's 345 kV lines do not run along its limited access highways today

The groups that have not spoken

The House Fiscal Agency lists no local government or farm group among those taking a position on HB 5940 [8]. We found no card or public statement from the Michigan Townships Association, the Michigan Association of Counties, or the Michigan Municipal League. We found none from the County Road Association, the Michigan Farm Bureau, or the Michigan Agri-Business Association either. We found no opponent of the bill in any record we checked. Silence is not a position. The news coverage we found ran in the days right after the June 16 hearing, before the House changed and passed the bill.

An example: the proposed Oneida-Sabine Lake line

The Midcontinent Independent System Operator (MISO), which plans the regional grid, approved a set of long-range projects on December 12, 2024 [22]. One is Project 34, a proposed 345 kV line from the Oneida substation in Eaton County to a new Sabine Lake substation in Livingston County. The applicant of record is METC. As of October 4, 2026, we found no Act 30 case open for it. ITC says it expects to file its Act 30 application in the second quarter of 2027 [24].

We published an independent route analysis of this line, revised September 24, 2026; the report PDF is labeled a preliminary draft [23,24]. We prepared that revision for the Williamstown Locke Corridor Community Alliance. It scores ITC's 7 published route alternatives on the factors the Commission weighs under Act 30. It scores them twice: once under current law, and once with a credit for running near a freeway, standing in for HB 5940. Its main results assume the bill passes, and an appendix gives the current-law results.

The preliminary draft report says the Orange route runs alongside I-96, not inside its right-of-way, for about 15 miles (report PDF pp. 27-28) [24]. Orange ranks first both ways: 3.808 with the HB 5940 credit and 3.945 under current law (lower is better) [24]. The credit is a stand-in. It counts route length within 100 meters of a freeway centerline, because MDOT's right-of-way lines are not in public data. The report says ITC's routes "run beside the freeway rather than inside it." It uses "freeway" for the major MDOT highways it measured. That is close to the legal term "limited access highway," but not the same.

We read the example this way. Suppose HB 5940 became law, and MDOT, the two commissions, and the Federal Highway Administration all changed their rules. A company could then ask MDOT about moving part of a route like Orange into I-96 right-of-way. Nothing in the bill would tell the townships or neighbors along that stretch that it had asked. They would learn of it at the Act 30 meetings or in the application. Neighbors of a segment inside the right-of-way might not get the mailed notice at all.

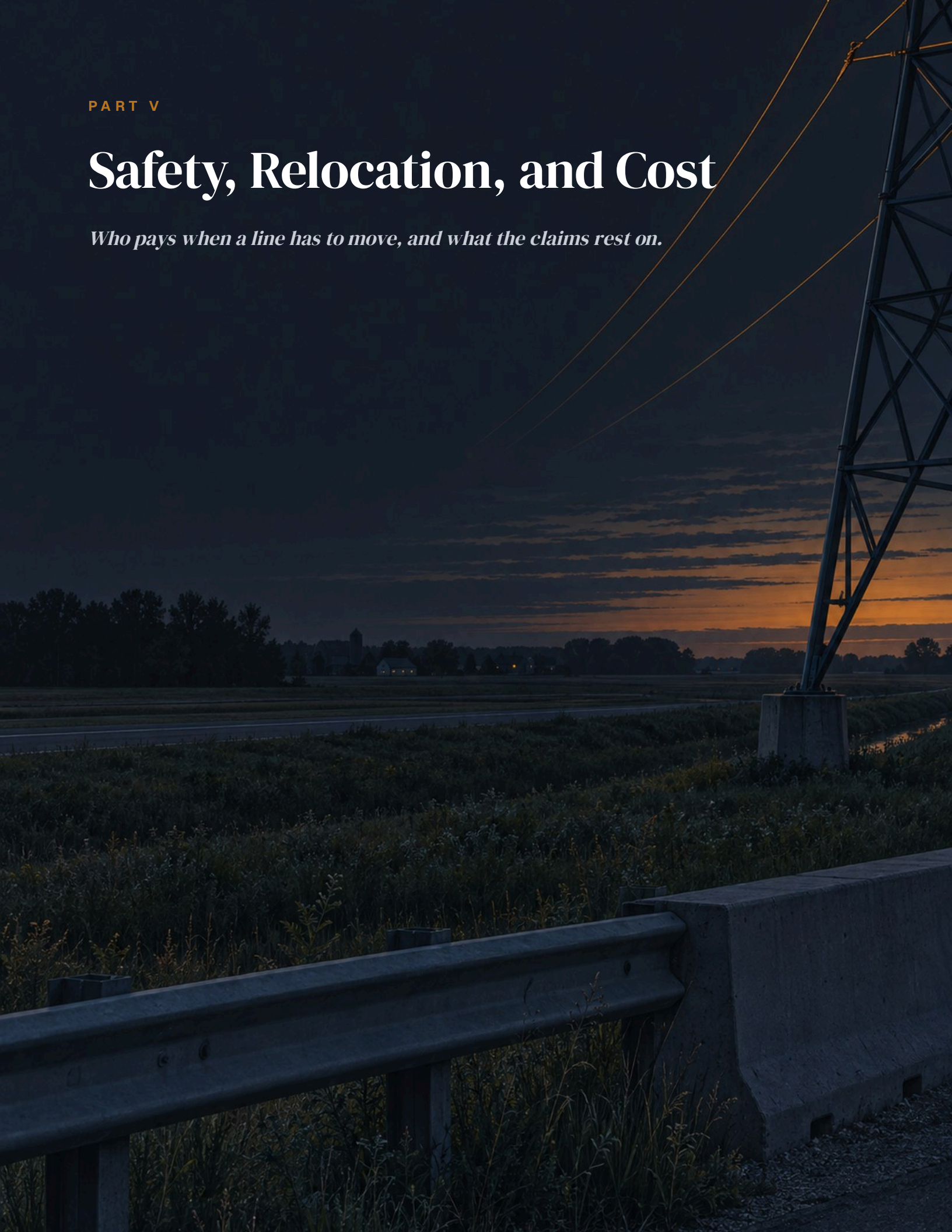
WHAT THIS MEANS FOR YOUR COMMUNITY

HB 5940 gives your township and your residents no new notice and no new say, and it takes nothing away that you have now. Your rights are in Act 30. When a major line is proposed, accept the company's offer to meet, attend the public meeting, and intervene in the Commission's case. Propose any alternative route within about 45 days after the prehearing conference. Ask the company in writing whether it has asked MDOT about any highway segment, and ask that the answer go into the record. If you live beside a limited access highway, do not count on a letter: watch the Commission's docket. Before October 21, 2026, you can tell the Commission in Case U-22064 that its notice rules should reach neighbors of lines built on state land.

PART V

Safety, Relocation, and Cost

Who pays when a line has to move, and what the claims rest on.



Safety, Relocation, and Cost

- HB 5940 adds no safety rule of its own. Safety along the highway would still come from federal rules and from MDOT, the Michigan Department of Transportation.
- House analyses trace the underground rule the bill would repeal to 1989, when it was written with fiber-optic cable in mind. We found no analysis that gave it a safety reason.
- The bill offers the line owner a period with no forced moves, softened by the words "as it is practicable." The House cut the 5-year notice before MDOT moves a line. The bill does not say who pays for a move.
- Michigan would keep its one-time fee of up to \$1,000 per mile, \$5,000 minimum. Several other states charge more, and some charge every year.
- Supporters say highway siting means lower costs and faster projects. We found no cost study, estimate, or project figure in the record that backs that up.

The bill adds no safety rule

The words HB 5940 adds to the law say nothing about clear zones, setbacks, guardrail, or crash risk. New section 13a, which sets up MDOT's review, has no safety term at all (passed 4:22-6:4). The bill's link to safety is a phrase the law already had: the standards for lines in limited access highway right-of-way must "conform to governing federal laws and regulations" (passed 2:19-2:21).

"in accordance with standards approved by the state transportation commission and the Michigan public service commission that conform to governing federal laws and regulations" (passed 2:18-2:21)

The bill keeps one more condition. After it strikes "be underground and," the next sentence would read in full as follows.

"The standards must require that the lines and structures be placed in a manner that will not increase highway maintenance costs for the state transportation department." (passed 2:26-2:28)

We read the kept condition as a possible limit on towers. Where a tower can stand close to the road only behind new guardrail or crash cushions, that hardware adds to what MDOT must maintain. The condition could then push towers farther from the road, or require the line owner to pay for the upkeep under its permit. The text does not say which (passed 2:26-2:28).

The history of the burial requirement

According to House analyses, the underground requirement began with a 1989 law, which asked for lines that were "underground, or otherwise constructed so as not to be visible." It was aimed at fiber-optic cable [31]. The current wording, and the fee, came with a 1994 amendment, Senate Bill 1008; that it

became 1994 PA 306 is our inference from the MCL history. We have not retrieved the 1989 and 1994 enacted texts. We found no legislative analysis that gives a safety reason for burial [25,31].

The House analysis of Senate Bill 1008 (1994) did record a safety argument against more utility use of highway land. Opponents said more lines would mean "a greater likelihood of hazard and delay to travelers" from construction and repair work [25].

The federal rules that still apply

Federal rules set the floor for utilities on highways that use federal money. They put safety first, though not as the only concern (23 CFR 645.209(a)). Three parts matter most for an overhead line.

The clear zone. The clear zone is the strip of land beside the travel lanes that is kept free of hard objects. It gives a driver who leaves the road room to stop or recover. Its width depends on traffic, speed, and slope (23 CFR 645.207). No new aboveground utility may go in the clear zone unless the state finds burial "not technically feasible or is unreasonably costly" and there is no other workable location. Then the state must require breakaway features or shielding (23 CFR 645.209(b)).

The outer edge. New aboveground lines go "as far from the traveled way as possible, preferably along the right-of-way line" (23 CFR 645.209(b)). On highways with full access control, a utility strip runs along the outer edge of the right-of-way, behind a fence line that keeps utility crews off the highway (23 CFR 645.209(c)).

No harm to safety. On those highways, "in no case shall any use be permitted which would adversely affect safety" (23 CFR 645.209(c)). A state may set stricter rules than these.

We read the federal rules this way. Inside the clear zone, burial stays the default whatever Michigan law says. Once the bill strikes the state's underground words, this federal rule is the only legal rule left that pushes lines underground there. It reaches only the clear zone. An overhead tower would normally sit outside the clear zone, in the outer strip. Where the right-of-way is too narrow for both, the rules point to burial or another route.

The Federal Highway Administration (FHWA) must also approve any change to Michigan's policy for utilities on these roads (23 CFR 645.215). FHWA issued a memo on September 1, 2026. It says transmission projects "are acceptable alternative uses of the Interstate or non-Interstate highway ROW and are in the public interest if they comply with 23 U.S.C. 111" and FHWA's property rules [4]. ROW means right-of-way. The memo is guidance, not law. It says it does not have the force and effect of law, and it does not bind states. FHWA's concurrence on one permit would not replace Michigan's own rules.

What MDOT requires today

MDOT's utility accommodation guidance, its rulebook for utilities on state highways, is stricter than the federal floor [5].

- Item 5.6: "Longitudinal occupancy of limited access state highway right-of-way by aboveground facilities is prohibited."
- Item 5.14: lines running lengthwise in limited access right-of-way must be underground and continuous, preferably in the outer 15 feet. It adds, "Aboveground facilities requiring regular maintenance shall be placed outside the limited access right-of-way."

- Item 5.5: aboveground facilities on any state highway must meet MDOT's clear zone guidelines.

These items would stay in force after enactment until MDOT revises them or approves an exception. The guidance itself sends uses 'not in accordance with this guidance' on interstate limited access right-of-way to FHWA review [5]. Whether MDOT would grant an exception to a flat ban is untested. The bill does not name the guidance or set a date to revise it. We read the guidance as written for buried lines. A 345 kilovolt (kV) line needs a cleared path far wider than 15 feet. Strip width, setbacks, and maintenance access would be worked out in the constructability report that MDOT and the company write together. The bill says only that the report holds the "terms and conditions for building the collocation project" (passed 5:18-5:20).

The crash-risk claim

At the June 16, 2026, House committee hearing, Rep. David Prestin was asked about crash risk. He said a semi truck might "take out a tower," but "one tower is not going to take down an entire run. They're just over-engineered" [26].

That answer is about whether the power grid keeps working. It does not speak to the people in the vehicle, which is what the federal clear-zone rule protects. We found no witness or analysis in the record that gave crash data, setbacks, or tower designs.

When the road needs the room

Highways get wider. When MDOT rebuilds or widens a road, lines in its right-of-way may have to move. By law, utility structures in public roads give way to the public's right to use those roads (MCL 247.185).

Section 13a offers the line owner some protection. The constructability report must set a period during which MDOT will not ask the line to move.

"must include the terms and conditions for building the collocation project, including an agreed-on time frame during which the state transportation department shall not request the relocation of the transmission line as it is practicable." (passed 5:18-5:22)

The last 4 words, "as it is practicable," were added by the House committee's substitute, called H-2. They make the promise soft. The bill gives no remedy if MDOT breaks it (passed 5:18-5:22).

H-2 also cut the notice before a move. As first introduced, the bill said this (introduced 5:20-5:23).

"If state transportation department must relocate a transmission line in a highway right-of-way, the state transportation department must give the utility notice not less than 5 years before the relocation project begins." (introduced 5:20-5:23)

H-2 replaced that with a narrower duty. If MDOT must make an unforeseen, substantial change to its 5-year plan at a place where the company asked to build, it must tell the company in writing "as soon as is practical" (passed 5:23-6:2). That leaves no fixed notice period. The bill does not define the "5-year plan."

We think it is most likely MDOT's Five-Year Transportation Program, which MDOT updates every year. SB 933, the Senate twin of HB 5940, still carries the 5-year notice.

The pattern is not unique to Michigan. In each of the three version histories we found, the notice got shorter. Minnesota went from 10 years in a March 2024 Senate amendment to 4 years "as much as practicable." Illinois HB 4803 went from 10 years to notice when the agency becomes aware of the need. Michigan's new notice covers changes to MDOT's plan; it is not a relocation notice.

Who pays to move a line

The bill does not say. The existing rule therefore applies. The House Fiscal Agency explains it this way: when a utility's facilities are in the right-of-way by permit, "the highway agency typically does not pay for relocation" [8]. MDOT waives its permit fee for a move its own project causes, but it does not pay for the move [27].

The existing permit framework generally places relocation costs on the line owner. Whether those costs would be recovered from electric customers depends on the applicable rate treatment; HB 5940 does not decide that question.

Minnesota, whose 2024 law has the same core duties as section 13a, does more [18]. It gives 4 years' notice of a move "as much as practicable." For lines in interstate right-of-way, it pays 75% of the cost when it moves a line earlier than the agreed period or on less notice. Otherwise, lines that receive a route permit on or after July 1, 2024, get no reimbursement.

Who pays to use the right-of-way

Michigan's rule on the charge for using limited access right-of-way would not change. The standards "may provide for the imposition of a reasonable charge" (passed 2:29-3:1). If they do, this is the limit.

"The charge must be calculated to reflect a 1-time installation permit fee that does not exceed \$1,000.00 per mile of longitudinal use of limited access highway rights-of-way with a minimum fee of \$5,000.00 per permit." (passed 3:5-3:8)

MDOT already charges the maximum [27]. If the fee does not cover MDOT's "reasonable and actual costs" of issuing the permit, MDOT may bill the rest (passed 3:8-3:11). It is unclear whether MDOT's work under section 13a counts as a cost of issuing the permit. The House Fiscal Agency found no direct fiscal impact on the state, but it expects added MDOT planning costs that it could not estimate [8].

According to the House analysis of the 1994 bill, the fee dates from 1994. That law replaced yearly lease rates of \$1,600 per mile in rural areas and \$3,200 in urban areas with the one-time fee. The users in view were fiber-optic carriers, not power lines [25].

\$1,000 The most Michigan may charge per mile, once, for a line in limited access right-of-way.

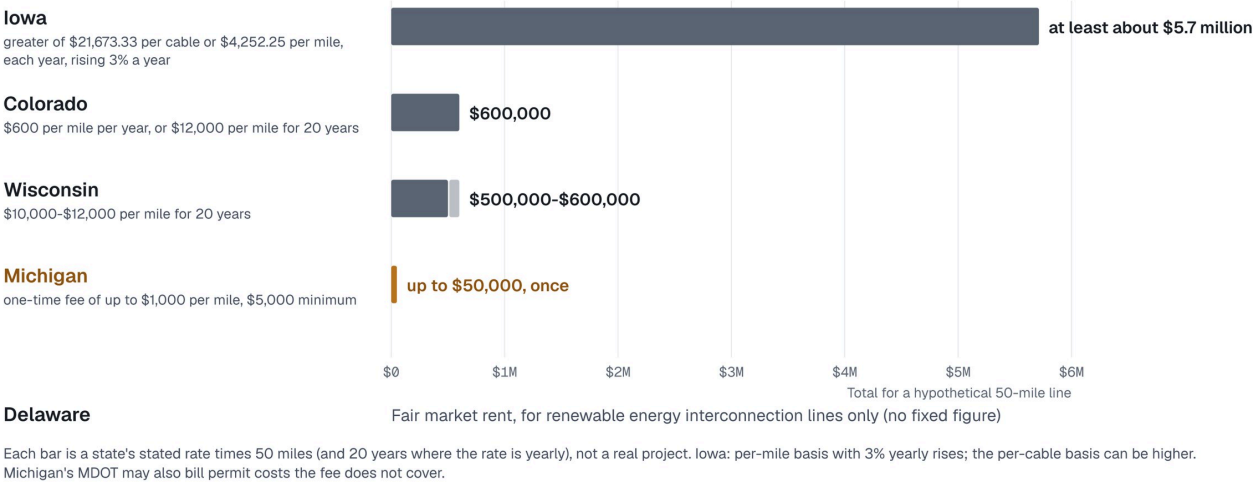
Several states charge more, and some charge every year.

STATE	WHAT IT CHARGES FOR TRANSMISSION IN HIGHWAY RIGHT-OF-WAY
Michigan (HB 5940 keeps)	One-time fee of up to \$1,000 per mile, \$5,000 minimum
Wisconsin	\$10,000 to \$12,000 per mile, covering 20 years [28]
Iowa	Each year, the greater of \$21,673.33 per cable or about \$4,252 per mile, rising 3% a year [29]
Colorado	\$600 per mile per year, or \$12,000 per mile for 20 years [16]
Delaware	A recurring fair market rental rate, for renewable energy interconnection facilities [30]

ILLUSTRATIVE · A HYPOTHETICAL 50-MILE LINE, 20 YEARS

Michigan's fee is one-time and small next to other states' payments

HB 5940 keeps Michigan's one-time fee of up to \$1,000 per mile, \$5,000 minimum. Other states charge every year or for a term.



SOURCES HB 5940 as passed by the House 3:5-3:11 (Michigan fee) · Iowa Code 314.20, 761 IAC 115.15(8) · Colo. HB25-1292 · WisDOT HMM 09-15-40 · 17 Del. C. ch. 20 · not an estimate for any real line

Figure 7: Michigan's one-time fee is far below what several other states charge

For a sense of scale, take a 50-mile line over 20 years. This is our arithmetic, not a project estimate. Michigan would collect at most \$50,000, once. Wisconsin would collect \$500,000 to \$600,000. Colorado would collect \$600,000. Iowa's per-mile rate alone would come to about \$4.25 million before its yearly increases. FHWA says states "are not required to charge fair market rent or other fees" for utilities on highway land [4].

The fee comparison shows that Michigan collects less for this use than several other states. It does not measure the market value of a particular corridor or the total costs imposed by its permit. None of it goes to townships or counties (passed 3:11-3:14).

The cost and speed claims

Supporters make three kinds of claims. These are their words, not findings.

- Rep. Prestin says highway siting "means lower project costs, accelerated timelines, which translates to lower energy bills for our residents" [19].
- NextGen Highways, the national group that testified for the bill, says "you can speed the process, limit impacts to the environment" and to landowners [19].
- The Citizens Utility Board of Michigan says the bill would help build power lines "that will stabilize energy costs" [32].

We found nothing in the record that shows these. We found no cost study, estimate, or project figure. We found no comparison of the cost of overhead and buried lines in a highway corridor. We found no line of 100 kV or more confirmed inside Michigan limited access right-of-way, so there is no local cost history to draw on.

The bill does not guarantee faster approval. Enactment alone puts no line in the right-of-way. Four public bodies must act in three steps before an overhead line can go in. The State Transportation Commission and the Michigan Public Service Commission must approve new standards. MDOT must revise its guidance or approve an exception. FHWA must approve the changed policy. The bill sets no deadline for any of them, and none for MDOT once a company asks (passed 4:22-6:4).

The one Act 30 case we found with a highway alternative also cuts the other way. In Case U-17041 (2013), landowners proposed a corridor along I-94, not a line inside the highway right-of-way. The company said its 220-foot right-of-way would not fit along portions of that route. The administrative law judge found the route could conflict with highway expansion, a point the company defended from its meetings with MDOT. The Commission found the company gave "ample rebuttal evidence that the I-94 corridor route is not a realistic alternative" (order p. 25) [10]. In the same case, the Commission put the burden of proving the cost of burial on the township that asked for it [10]. Where federal rules or MDOT guidance still require burial, we expect the same fight over who pays.

What we could not find

- **Right-of-way and clear zone widths.** We found no public data source that gives MDOT's right-of-way widths along these highways, and no showing that a 345 kV line fits.
- **A cost study** of overhead or buried transmission in Michigan highway right-of-way.
- **Who pays for an early move.** Whether MDOT would adopt anything like Minnesota's 75% share by policy.
- **How the kept maintenance-cost rule applies** to towers that need guardrail or shielding.

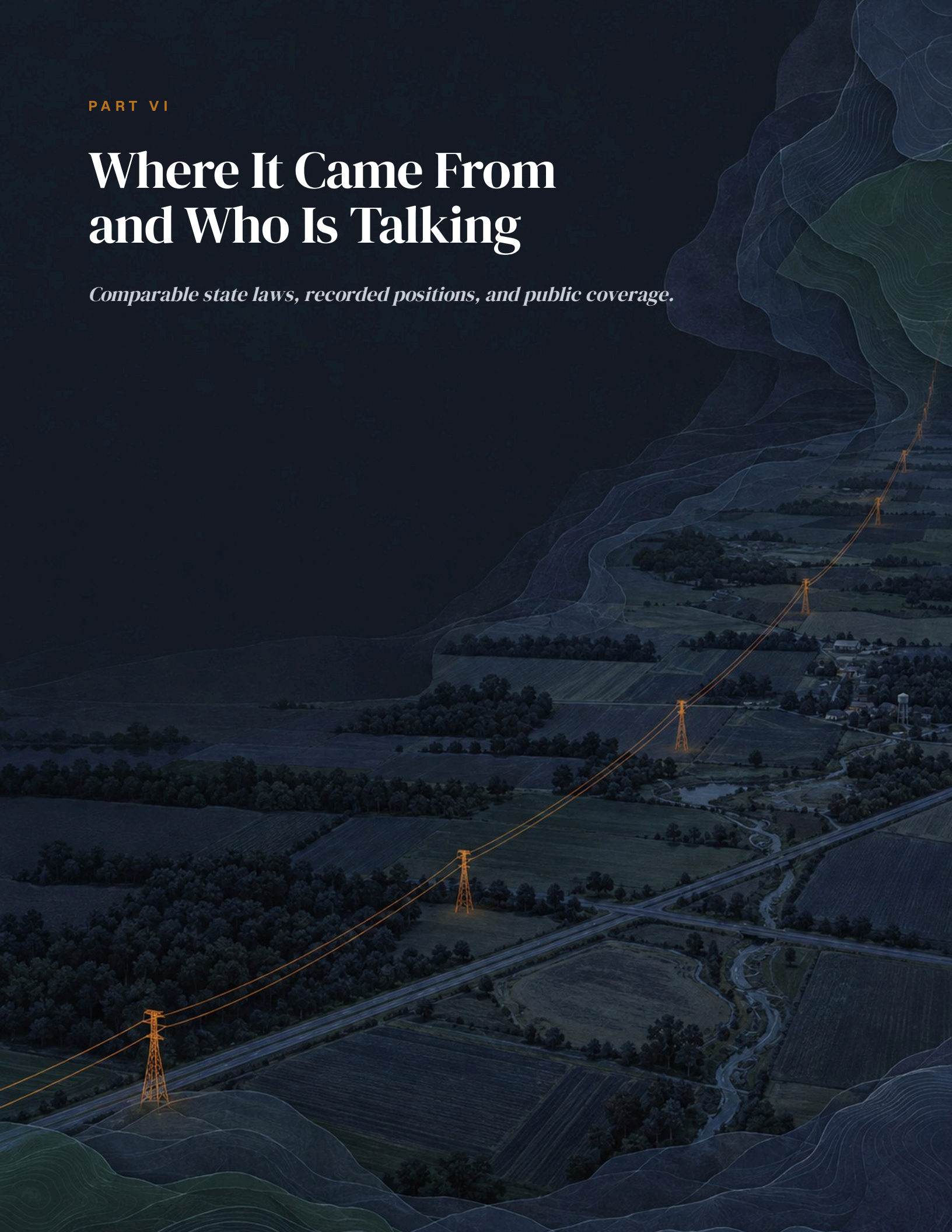
WHAT THIS MEANS FOR YOUR COMMUNITY

Safety along the highway would rest on federal rules and on MDOT's guidance, not on anything new in this bill. If a line is ever proposed in highway right-of-way near you, ask MDOT and the company where the towers would stand. Ask how far they would be from the travel lanes, and whether guardrail is needed. Ask what happens to the line, and to the land beside it, when MDOT widens the road. Relocation costs would most likely fall on the line owner and its customers, and an outward move could need new land from neighbors. Ask whether any cost or crash study exists before accepting claims that highway routes are cheaper or faster.

PART VI

Where It Came From and Who Is Talking

Comparable state laws, recorded positions, and public coverage.



Where It Came From and Who Is Talking

- The process in new sec. 13a follows a law Minnesota passed in 2024. Some of its wording matches bills in New York and Illinois, so we think the three states drew on one shared draft. No public model bill or author was found.
- Michigan kept Minnesota's four steps but left out its deadlines, its 4-year relocation notice, its cost share, and its voltage figure.
- Support came from one national advocacy group, its Michigan coalition, and ITC. MDOT was neutral. We found no opponent in any record we checked.
- We found no card or public statement from any township, county, municipal, road, or farm group. We found no public statement on the Senate bills that would add notice to neighbors.
- News stories were right that the bill would allow aboveground lines. None of them said what still has to happen before a line goes up, and the original stories we found all ran on June 17.

A Minnesota template

Bills often travel from state to state. HB 5940 is one of them. Its new sec. 13a gives MDOT, the Michigan Department of Transportation, four duties. It must coordinate with a company that asks in writing. It must share all known plans. It must work out a "constructability report" that both sides approve before a permit. And that report must set a period during which MDOT will not ask the company to move the line. Minnesota put the same four duties into its highway law in 2024, as Minn. Stat. 161.45 subds. 5-6 [18,33].

Michigan did not copy the Minnesota statute word for word. One phrase points to a later draft. Michigan's bill says the report is to be used by MDOT and the company "when collocation projects are being planned and approved" (passed 5:10-5:13). Minnesota's law does not use those words. A New York bill from May 2025 does, and so does an Illinois bill filed in January 2026 [34,35]. We read this as a sign that Michigan, New York, and Illinois drew on a shared draft written after Minnesota's law. We found no public model bill, and no source names its author.

"The report must be approved by both the state transportation department and the utility, independent transmission company, or affiliated transmission company before the state transportation department issues a permit for use of the highway right-of-way." (passed 5:14-5:17)

The Michigan draft is older than the House bill. HB 5940 and Senate Bill 933 came from the same request to the Legislative Service Bureau, the office that drafts bills for both chambers. SB 933 was introduced on April 23, 2026, by Sen. Rosemary Bayer, a Democrat. HB 5940 was introduced on May 12, 2026, by Rep. David Prestin, a Republican. The two bills were the same text on the day each was introduced.

What Michigan left out

Michigan kept Minnesota's four steps and dropped the parts that give them force. Minnesota's law says the commissioner "must assign a project coordinator within 30 days of receiving the written request" [18]. If a line must move, Minnesota's commissioner, "as much as practicable, must give a four-year

advance notice" [18]. If the state moves a line in interstate right-of-way earlier than agreed, or on less notice, it is "responsible for 75 percent of the relocation costs" [18]. Minnesota also defines a high-voltage line as 100 kilovolts (kV) or more. HB 5940 has none of these things.

TERM	MINNESOTA (2024 LAW)	HB 5940 AS PASSED BY THE HOUSE
Who must act, and how fast	A project coordinator within 30 days	MDOT, with no deadline
Notice before a line must move	4 years, "as much as practicable"	No fixed notice period
Who pays if the state moves a line early	The state pays 75% (interstate right-of-way only)	The bill does not say
What counts as a high-voltage line	100 kV or more	No number
Allows aboveground lines in the statute	Not named	Yes, and it strikes the underground words

Sources: Minn. Stat. 161.45 [18]; passed 4:22-6:4.

On where lines go, Michigan's bill says more than Minnesota's. It strikes "be underground and" from sec. 13(2) and says the standards "must allow for the collocation of projects, including aboveground lines and structures" (passed 2:24-2:25). Minnesota's statute does not name aboveground lines.

The notice shrank everywhere

In each of the three version histories we found, the notice got shorter as the bill moved. A March 2024 Minnesota Senate amendment said 10 years; the law says 4 years "as much as practicable." Michigan's bill as introduced said 5 years. The House substitute, called H-2, replaced that with no fixed period: notice "as soon as is practical" when MDOT's 5-year plan must change for reasons no one foresaw. That is notice of a plan change, not a relocation notice. In Illinois, HB 4803 went from 10 years to notice when the agency becomes aware of the need (Committee Amendment 1). Two other bills, New York S8114 and Illinois SB 2789, kept 10 years but did not move. We did not find who asked for these cuts in any state.

Michigan's own history

Michigan's underground rule is old. According to House legislative analyses, it began with 1989 PA 215, which was written with fiber-optic cable in view. The current wording and the fee came with a 1994 amendment, Senate Bill 1008. That it became 1994 PA 306 is our inference from dates and the MCL history. A 2005 law, 2005 PA 103, made the MPSC, the Michigan Public Service Commission, a second approver of the standards. It also dropped the need for local consent in limited access highway right-of-way. This history rests on the analyses; we did not retrieve the 1989 and 1994 enacted texts. No analysis we found gives a safety reason for the underground rule.

Who is behind it

NextGen Highways

The group that has pushed this idea across states is NextGen Highways. Its staff pages place it "within GPI's Energy Systems team," meaning the Great Plains Institute [36]. A January 2023 post says it "has secured funding from Breakthrough Energy" [37]. It also runs coalitions in several states, Michigan among

them.

NextGen launched its Michigan coalition on June 17, 2026, the day after the House committee hearing [38]. Its release says HB 5940 and SB 933 "would allow transmission lines to be installed longitudinally in the right-of-way of Michigan's interstates and other limited access highways" [38]. That is right about the statute. The release does not say that MDOT guidance, new standards, and federal approval still stand in the way.

Randy Satterfield, NextGen's executive director, was the only witness besides the sponsor at the June 16 hearing. Michigan Advance reports that he spoke by video [19]. He says highway siting can "limit impacts to private landowners" [19]. That is a claim. We found no numbers offered to back it.

Who weighed in

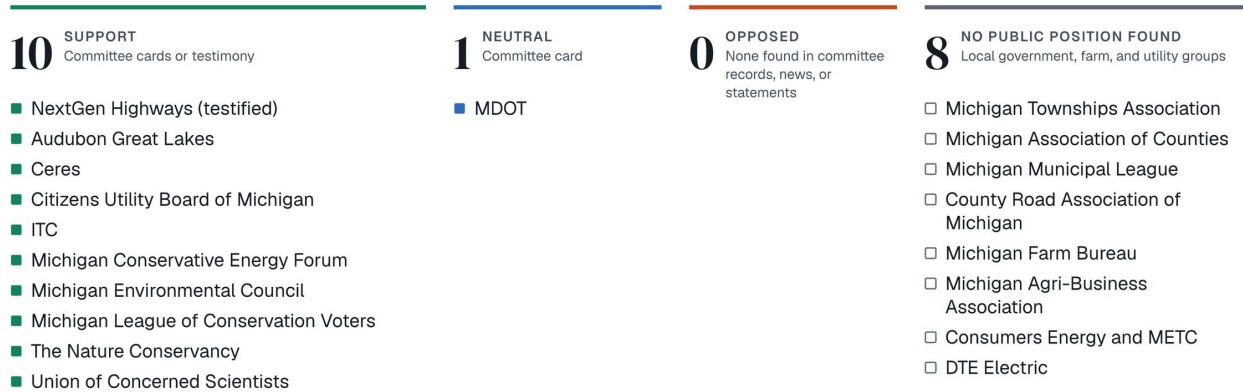
The House Fiscal Agency, the House's nonpartisan budget and bill analysis office, lists who filed a position card. Committee minutes give the names behind each card.

PARTY	KIND	POSITION	DATE
NextGen Highways	national advocacy group	supports; testified	June 16
ITC	transmission company	supports; card only	June 16
Citizens Utility Board of Michigan	ratepayer group	supports; card only	June 16
Michigan Conservative Energy Forum	conservative energy group	supports; card only	June 16
Michigan League of Conservation Voters	environmental	supports; card only	June 16
Ceres	business and investor group	supports; card only	June 16
The Nature Conservancy	environmental	supports; card only	June 16
Union of Concerned Scientists	environmental	supports; card only	June 16
Audubon Great Lakes	environmental	supports; card only	June 16
Michigan Environmental Council	environmental	supports; card only	June 23
MDOT	state agency	neutral; card only	June 23

Sources: House Fiscal Agency analysis as reported [8]; committee minutes [40,41].

On the record: supporters and MDOT neutral; we found no opponents and no local-government statements

House Transportation and Infrastructure, June 16 and 23, 2026, and public statements found through October 4, 2026.



Also supporting: Evergreen Action, a NextGen Highways coalition member as listed on 2026-10-04, in a press release (no card). In the House: 15 sponsors; passed 98-0; the other 12 members were excused. No public position found is not a position.

SOURCES House committee minutes 2026-06-16, 2026-06-23 · House Fiscal Agency analysis as reported (6-30-26) · news and statements searched through 2026-10-04 · positions.yaml, silent.yaml

Figure 8: Every group we found taking a side supported the bill; we found no statement from local-government or farm groups

The support is mostly one coalition. Seven of the 9 supporters on the House Fiscal Agency list are among the 8 members that NextGen's Michigan coalition page listed on October 4, 2026 [39]. ITC and the Michigan Environmental Council filed cards but are not listed members. The eighth listed member, Evergreen Action, filed no card. That is the list as of that date, not the list on launch day.

ITC is the company most likely to use the new process. It is the parent of METC, the applicant of record for the proposed Oneida-Sabine Lake 345 kV line. ITC filed a support card. We found no ITC release, testimony, or quote on the bill. We found no public statement on HB 5940 from Consumers Energy or DTE either.

MDOT filed a neutral card. Its own guidance, item 5.6, says that "Longitudinal occupancy of limited access state highway right-of-way by aboveground facilities is prohibited" [42]. The bill does not mention that guidance. MDOT would carry every duty in sec. 13a.

The sponsor's case

Rep. Prestin says the bill would bring "lower project costs, accelerated timelines, which translates to lower energy bills for our residents" [19]. Asked about towers near traffic, he called them "just over-engineered" [26]. These are claims. We found no study or figure behind the savings claim, and the bill sets no deadline for MDOT. The House Fiscal Agency's fiscal note says only that MDOT would likely have added planning costs that cannot be estimated.

Positions not found in the public record

We found no opponent of the bill in any record we checked. Those records were the House Fiscal Agency analyses, the committee minutes, news stories, and public statements.

We found no sign that groups that speak for local governments and farmers took a position. We found no card or public statement from the Michigan Townships Association, the Michigan Association of Counties, the Michigan Municipal League, the County Road Association, the Michigan Farm Bureau, or the Michigan Agri-Business Association. The Farm Bureau and the Agri-Business Association filed cards on other bills at the June 16 meeting, but not on HB 5940; that is not a position on this bill. The absence of a public position does not establish support, opposition, or the reason a group has not commented.

We found no public voice for the Senate bills that would help neighbors. SB 930 and SB 932 would mail notice to owners within 1 mile of the centerline of, and between, the proposed and alternate routes of a major line. We found no public statement on SB 930, 931, or 932 from anyone, including their sponsors.

Public coverage and the legislative record

Little coverage, and it stopped early

We found original reporting on the bill from two news outlets. Both stories ran on June 17, 2026, the day after the hearing. One was by Michigan Advance, and at least 6 other sites reprinted it [19]. The other was by WLUC TV6, and WNEM and WILX ran copies [26]. We found no news story on the House substitute, the 98-0 vote, the Senate referral, or SB 930-933. Two Lansing news services, Gongwer and MIRS, are behind paywalls, so we cannot rule out stories there.

Right about the statute

The headline was right. Michigan Advance wrote that the bill "would allow aboveground power lines to use highway rights-of-way" [19]. A photo caption said this is "currently disallowed in state statute" [19]. That is right for aboveground lines. Current law already allows buried lines along limited access highways.

The bill does what the headline says, at the level of the statute. It adds the collocation sentence and strikes the words that require burial (passed 2:23-2:28). What it does not do is put a line in place by itself, as the next sections show.

What we found no one saying

We found no story, and no party on the record, that said what still has to happen if the bill becomes law. Enactment alone puts no line in the right-of-way. MDOT must revise guidance item 5.6 or approve an exception to it. The State Transportation Commission and the MPSC must approve new standards. The Federal Highway Administration (FHWA) must approve Michigan's changed policy. Part II walks through those steps.

We found no one in the record who mentioned the House substitute either. It cut the 5-year relocation notice and changed who may ask MDOT for help. Only NextGen named SB 933, and it did not say that SB 933 still has the old 5-year notice.

The official summaries do not describe every change. None of the three House Fiscal Agency analyses mentions that the bill strikes "be underground and." The word "underground" does not appear in any of them. A reader who relied on those analyses alone would not learn that the bill would repeal the statutory burial rule, which House analyses trace to 1989.

Tracking legislative status

The Legislature's bill history, journals, and committee records distinguish passage from referral to a committee. As of October 4, HB 5940 had passed the House and been referred to Senate Energy and Environment; it had not passed the Senate. Use those official records to track further action.

WHAT THIS MEANS FOR YOUR COMMUNITY

The recorded supporters include transmission advocates, a transmission company, and environmental and ratepayer groups. We found no position card or public statement from the local-government and farm organizations listed above. Your board or group can add its concerns to the legislative record. If your board or group has a view, it can file a statement with the Senate Energy and Environment Committee and send it to your senator. Ask for the same things other states included and Michigan left out: deadlines, a fixed relocation notice, and notice to neighbors. Do not rely on news coverage to track this bill. Check the Legislature's bill page and the committee agenda yourself.

PART VII

Where It Stands and What You Can Do

Legislative status, the October 21 comment deadline, and local participation.



Where It Stands and What You Can Do

- The House passed HB 5940 98-0 on August 26, 2026. The other 12 members had been excused. It now sits in the Senate Energy and Environment Committee, which has not taken it up.
- The Senate's published schedule lists about 23 more session days in 2026, and the schedule can change. Bills still pending when the 2026 session ends do not carry over, so if the Senate does nothing, the bill ends with the session.
- Even if the bill becomes law, MDOT, two state commissions, and the Federal Highway Administration still have to act before an overhead line can go up. No deadline applies to any of them.
- Your nearest chance to be heard is not on the bill. It is the Michigan Public Service Commission's proposed siting rules, Case U-22064. Comments are due October 21, 2026, by 5:00 p.m.
- When a company proposes a route near you, Act 30 gives your township a public meeting and gives every affected municipality and landowner the right to join the case.

How the bill got here

The bill moved quickly through the House and then stopped. Every recorded vote was unanimous. We found no member who spoke against it, and the House Journal prints no member statement on it.

DATE (2026)	WHAT HAPPENED
April 23	Sens. Sam Singh and Rosemary Bayer introduce SB 930-933 and send them to Senate Energy and Environment. SB 933 has the same text HB 5940 had when introduced.
May 12	Rep. David Prestin introduces HB 5940. It goes to House Transportation and Infrastructure.
June 16	Committee hearing. Rep. Prestin and NextGen Highways (by video) testify in support.
June 17	The only two original news stories we found run. NextGen Highways launches its Michigan coalition.
June 23	The committee adopts substitute H-2, 15-0, and reports the bill, 15-0. MDOT files a neutral card.
July 1	The full House adopts H-2 without a recorded roll call.
August 26	The House passes the bill 98-0 (the other 12 members had been excused and did not vote) and votes to give it immediate effect.
September 9	The Senate refers the bill to Energy and Environment.
October 1	The MPSC proposes binding rules for siting major lines (Case U-22064).

Sources: House Journals 35, 50, 54, and 63; Senate Journal 67; committee records [43,44]; MPSC order [6].

The Senate committee

The bill is in the Senate Committee on Energy and Environment. The committee has 13 members, 8 Democrats and 5 Republicans [44].

MEMBER	PARTY	ROLE
Sean McCann	D	Chair
Sam Singh	D	Majority vice chair; sponsor of SB 930 and SB 931
Rosemary Bayer	D	Member; sponsor of SB 932 and SB 933
Sue Shink	D	Member
Kevin Hertel	D	Member
Darrin Camilleri	D	Member
Stephanie Chang	D	Member
Dayna Polehanki	D	Member
Dan Lauwers	R	Minority vice chair
John N. Damoose	R	Member
Rick Outman	R	Member
Roger Hauck	R	Member
Joseph N. Bellino Jr.	R	Member

Source: Michigan Senate committee page, read October 4, 2026 [44].

The committee's regular slot is Thursdays at 1:30 p.m. As of October 4, 2026, it had not met on any bill since June 18. Its bill record lists no meeting on HB 5940 or on SB 930-933.

The calendar

The Senate's published schedule lists about 23 more session days in 2026 [45]. Ten fall before the November 3 election. Thirteen fall after it, in the period called "lame duck." Nine of those days are Thursdays, when the committee would normally meet: October 8, 15, 22, and 29; November 5 and 12; and December 3, 10, and 17. The schedule can change.

23 DAYS

The Senate's published schedule listed about 23 more session days in 2026 as of October 4, and the committee had not met on any bill since June 18.

About 23 more Senate session days in 2026

The Senate's published schedule lists about 23 more session days (10 before the election, 13 after); it can change. Bills pending when the 2026 session ends do not carry over. The Senate committee has not met on HB 5940 or SB 930-933.



SOURCES Michigan Senate 2026 July-December session schedule (Majority Floor Leader, 2026-05-28; subject to change) · MPSC U-22064 notice · Const. 1963 art. 4 sec. 13

Figure 9: The Senate's published schedule lists about 23 more session days in 2026, and only 9 are committee Thursdays

What happens at sine die

Each two-year session ends with an adjournment called "sine die," Latin for "without a day." The Michigan Constitution carries pending bills over only from an odd-year session to the next year (Const. 1963, art. 4, sec. 13) [46]. It says nothing to carry them past an even year. HB 5940 and SB 930-933 are in the 2026 session, so any still pending when that session adjourns do not carry over. HB 5940 would have to start again in 2027, in both chambers.

As of October 4, no sine die date had been set. The last session day on the Senate's published schedule is December 17, 2026 [45].

Immediate effect is a separate vote. Without it, a new law takes effect 90 days after the session ends. To give immediate effect, two-thirds of the members serving in each chamber must vote for it (Const. 1963, art. 4, sec. 27) [47]. The House did that. The Senate would need its own two-thirds vote: 26 of 38 senators if every seat is filled. If the Senate passes the bill without that vote, we expect the law would take effect in early April 2027 at the earliest.

Four paths from here

These are paths, not predictions.

- 1. No Senate action.** The bill does not carry over past the 2026 session. This takes nothing at all. It fits the record so far: no committee meeting since June, no House energy bill passed by this Senate, and no public pressure that we found.
- 2. The Senate passes HB 5940 unchanged.** This is the shortest path to law. It needs a committee vote, a Senate floor vote, and the governor's signature. We think lame duck is the likeliest time, since 5 of the 9 committee Thursdays fall after the election.

3. **The Senate amends HB 5940.** The Senate could restore the 5-year relocation notice that SB 933 still has, or add the notice terms of SB 930 and SB 932. The House would then have to agree to the changes.
4. **The Senate moves SB 933 or the whole package.** Each Senate bill would then need a House committee and a House floor vote in lame duck. This is the longest path.

What a signature would not do

"in accordance with standards approved by the state transportation commission and the Michigan public service commission that conform to governing federal laws and regulations" (passed 2:18-2:21)

A signed bill would end the underground rule in the statute. Enactment alone would put no line in the right-of-way. The sec. 13a coordination duties would start at enactment, but the steps that allow an overhead line would not. Four public bodies would still have to act, in three steps, and the bill sets no deadline for any of them. The State Transportation Commission and the MPSC must approve new standards (passed 2:19-2:21). MDOT must revise its guidance, which still bans aboveground lines along limited access highways, or approve an exception. The Federal Highway Administration (FHWA) must approve Michigan's changed policy. Then MDOT issues a permit, and a major line also needs a certificate from the MPSC under Act 30, Michigan's siting law for big transmission lines. Part II walks through each step. We read this to mean that even a December 2026 signature would start a rule and policy process; it would not put a line beside a highway in 2027.

What to watch and what you can do

The list below is in date order. Dates are as of October 4, 2026. Check each one before you act, because schedules change.

By October 21, 2026: comment on the MPSC's proposed siting rules

It is the nearest deadline, and it does not depend on HB 5940. On October 1, 2026, the Michigan Public Service Commission (MPSC) proposed binding rules for how companies plan, notice, and apply for major transmission lines under Act 30. The case number is U-22064 [6].

How to comment [6]:

- **Deadline.** Written comments must be received by 5:00 p.m. Eastern time on Wednesday, October 21, 2026.
- **By email.** Send to LARA-MPSC-Edockets@michigan.gov.
- **By mail.** Address to Executive Secretary, Michigan Public Service Commission, P.O. Box 30221, Lansing, MI 48909. Allow time for delivery; the deadline is when the MPSC receives it.
- **Format.** Number your pages and put "Case No. U-22064" on the first page.
- **In person.** A public hearing is set for 10:00 a.m. on October 21, 2026, in the Lake Michigan Hearing Room, 7109 W. Saginaw Highway, Lansing. Anyone may speak.
- **The text.** The proposed rules are posted at michigan.gov/ARD and are to appear in the October 15, 2026, Michigan Register.

- **Help.** MPSC staff can be reached at (517) 284-8090. For disability access at the hearing, call the same number.
- **Comments are public.** They will be filed in the case and posted.

Points a township or landowner may want to raise. These are our suggestions, drawn from Parts III and IV.

- **What "existing rights-of-way" means.** Proposed R 460.58(2) says an applicant "shall prioritize the use of existing rights-of way when weighting factors and scoring potential routes" [6]. The rules do not define the term. They do not mention limited access highways or MDOT. They count length paralleling "public roads or highways" only as a factor in scoring routes. Ask the MPSC to say whether highway right-of-way counts as an existing right-of-way.
- **Who gets a letter when the application is filed.** Proposed R 460.56 sends the application letter to each affected municipality and to the "taxpayer of record" for each property the line would be built on [6]. We read this to mean a line placed on highway land might cross no private parcel, so the people living beside it might get no letter. The same rules send invitations to the earlier public meetings to landowners within 1 mile of the edge of the proposed right-of-way. Ask that the application letter reach the same people.
- **Time to propose a different route.** The MPSC's 2026 guidelines say a party should propose any alternative route within 45 days after the first scheduling hearing in the case, called the prehearing conference, and near the applicant's routes. The proposed rules do not include those limits. If you want enough time to offer a route, say so.
- **Proof that a highway route was really checked.** In 2025 the MPSC called one company's reliance on a single email from a state agency "lacking and completely inadequate." Ask that an applicant who rejects a highway route file MDOT's written reasons.

Every Thursday session day: watch the Senate committee

The committee's Thursday dates are listed above. Committee agendas are posted on the Legislature's website and the Senate committee page [44]. Check before each Thursday. If HB 5940 or SB 930-933 appears on an agenda:

- **Testimony.** Ask the committee clerk how to submit written testimony or fill out a card. A card is a short form that records your support, opposition, or neutral position.
- **Contact.** Call or write your own senator and the committee members listed above.
- **What to ask for.** Part VIII lists fixes the Senate could make in a few lines: deadlines for MDOT and the commissions, a fixed relocation notice, a rule on who pays to move a line, and notice to neighbors. SB 930 and SB 932, already in the same committee, would mail notice to owners within 1 mile of the centerline of, and between, the proposed and alternate routes of a major line.

November 3, 2026: election day

All 38 Senate seats and all 110 House seats are on the ballot. Ask candidates where they stand on HB 5940 and on notice to neighbors under SB 930 and SB 932.

November 4 to December 17, 2026: lame duck

The Senate's published schedule lists 13 session days after the election, and it can change. Watch for a committee vote, a Senate floor vote, or a Senate amendment that would send the bill back to the House. If the Senate amends the bill, the House must vote again.

Sine die, end of December 2026

If the bill is still pending when the 2026 session adjourns, it does not carry over. Watch for a new bill in January 2027. A new bill starts over, with new committee hearings in both chambers. That would be a fresh chance to ask for notice and deadlines.

If the bill becomes law

The bill sets no public process for the next steps. When the State Transportation Commission and the MPSC take up new standards, and when MDOT revises its utility guidance, ask each one in writing for public notice and a chance to comment. Ask MDOT to tell local governments when a company asks it to review a highway corridor in their area. The bill does not require MDOT to do that, but nothing in it stops MDOT from doing so.

When a company proposes a route near you

Act 30 covers lines of 345 kV or more and 5 miles or more, which it calls major transmission lines (MCL 460.562(g)). For those lines, the law gives local governments and landowners real steps, and they come in this order.

- 1. The construction plan.** For the proposed Oneida-Sabine Lake 345 kV line, ITC says it expects to file the plan in late fall 2026 and the Act 30 application in the second quarter of 2027 [23]. That is ITC's estimate, not a deadline.
- 2. The offer to meet.** Before it applies, the company must offer in writing to meet with each affected municipality's chief elected official, in the 60 days before its public meetings (MCL 460.566(2)). If you are a township supervisor, accept the meeting and bring written questions.
- 3. The public meeting.** The company must hold a public meeting in each municipality the line would pass through (MCL 460.566(1)). Attend. Ask whether the company looked at highway corridors and what MDOT said. Submit route changes in writing. Under the proposed rules, the company would have to consider every reasonable route change and explain why it did not accept a major one.
- 4. The application and the case.** Each affected municipality and each affected landowner may join the case as an intervenor as of right, which means as a full party (MCL 460.568). The MPSC must decide within 1 year of the filing. It may approve the proposed route or one alternative only if that route is "feasible and reasonable."
- 5. Your alternative route.** If you want the MPSC to consider a different route, propose it early. Under the 2026 guidelines, that means within 45 days after the prehearing conference.

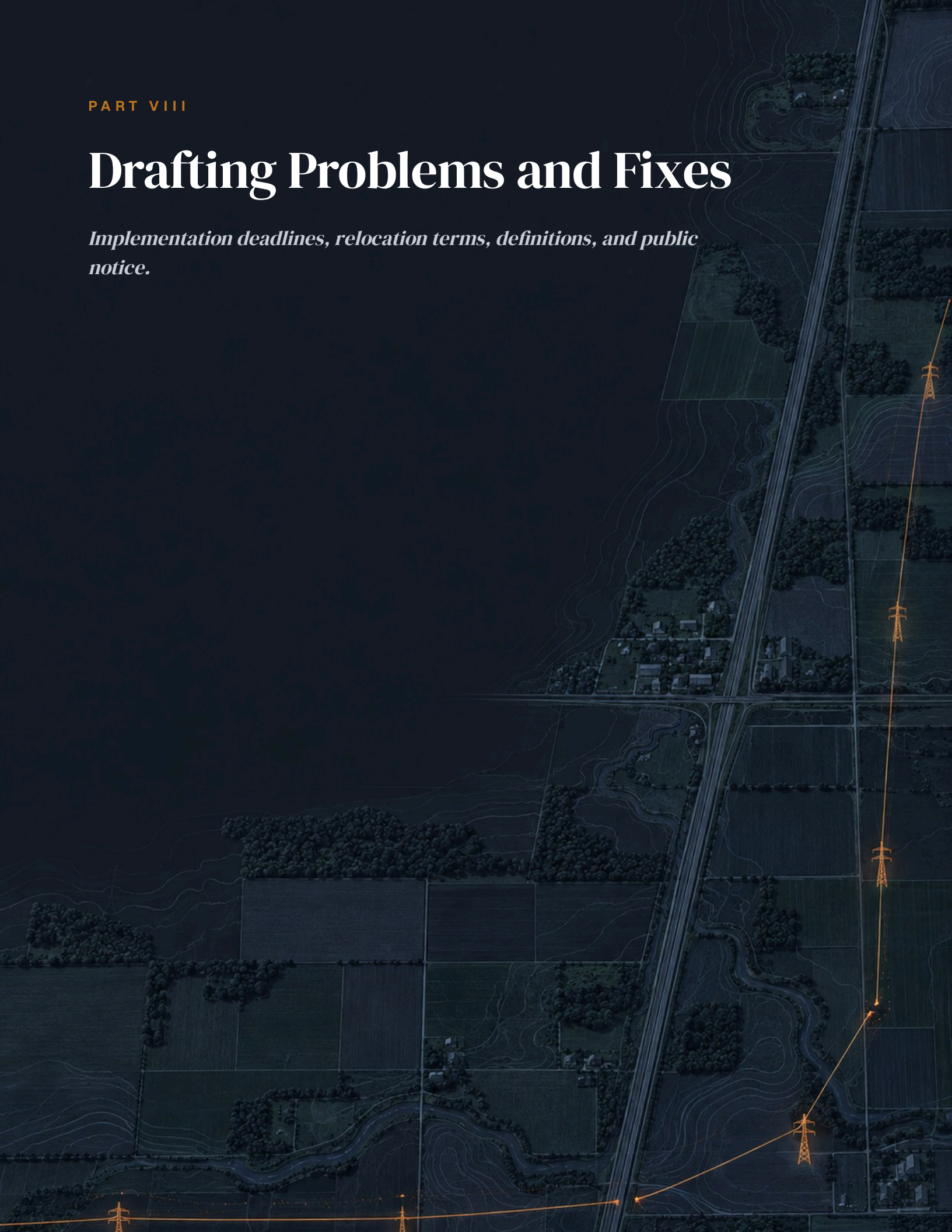
WHAT THIS MEANS FOR YOUR COMMUNITY

Nothing has to happen for this bill to lapse at the end of the 2026 session, and nothing in it forces any agency to act if it passes. The nearest fixed public-comment deadline concerns the MPSC's siting rules. A short, signed letter to Case U-22064 by 5:00 p.m. on October 21, 2026, asking whether highway right-of-way counts as an "existing right-of-way" and asking for notice to neighbors, goes into the record now. After that, watch the Senate committee each Thursday it meets, and talk to your senator before the lame-duck session. If a route is proposed near you, take the meeting, attend the public meeting, and join the MPSC case early.

PART VIII

Drafting Problems and Fixes

Implementation deadlines, relocation terms, definitions, and public notice.



Drafting Problems and Fixes

- The bill's main change works as written. It strikes the underground words and tells the standards to allow aboveground lines. That part needs no fix.
- The biggest gap is time. No one has to revise the standards, MDOT's guidance, or the federal policy by any date, and MDOT has no deadline in its new process.
- The relocation terms are the weakest drafting. One clause has four words that may empty it, the bill is silent on who pays to move a line, and "5-year plan" is never defined.
- Several key words are left undefined: "projects," "utility," "permittable," and "transmission line." The bill gives no voltage figure.
- Five groups of amendments would address the main implementation questions. Some other faults are in current law or in the Senate bills, not in HB 5940.

What works

The aboveground allowance and the deletion of the burial requirement are consistent. If enacted, section 13(2) would direct the standards to allow aboveground lines while retaining the conditions on highway maintenance costs and compliance with federal law. The drafting questions concern implementation, scope, and relocation rather than a conflict between those provisions.

"Subject to section 13a, the standards must allow for the collocation of projects, including above-ground lines and structures, in limited access highway rights-of-way." (passed 2:23-2:26)

The problems below are about what the bill leaves open. We sort them by how much they matter to a township or a landowner. Each one comes with a short fix the Senate could adopt. The fixes are our suggestions. Where we quote suggested wording, it is in single quotes, to keep it apart from bill text.

The clock: nothing has a deadline

The standards and guidance

The new sentence works only through "standards approved by the state transportation commission and the Michigan public service commission that conform to governing federal laws and regulations" (passed 2:19-2:21). The bill sets no date for those two commissions to revise the standards. It does not mention MDOT's guidance, whose item 5.6 still bans aboveground lines along limited access highways and whose item 5.14 still requires burial. Those items stand until MDOT revises them or approves an exception. It has no step for approval by the Federal Highway Administration (FHWA). We found no record that the MPSC, the Michigan Public Service Commission, has approved these standards since a 2005 law made it a co-approver.

We read this as the gap that decides whether anything changes. Enactment alone puts no line in the right-of-way. The sec. 13a duties would start at enactment, but the bill could sit on the books with no one in breach.

Fix. Require both commissions to approve conforming standards within 180 days. Require MDOT to conform its guidance in the same period and to submit the changed policy to FHWA under 23 CFR 645.215.

MDOT's new process

Sec. 13a says MDOT "shall coordinate" with a company to review corridors and "shall share all known plans" (passed 4:24-4:29). Once MDOT and the company identify a permissible route, the report "must be approved by both" MDOT and the company before a permit (passed 5:14-5:17). There is no deadline at any step. The bill does not say who drafts the report. It gives no grounds for refusing to approve it, no duty to give reasons, and no appeal. Either side can stall a permit with no end date. Minnesota, the model for sec. 13a, requires a project coordinator within 30 days [18].

Fix. A coordinator in 30 days and a written corridor finding in 180 days. The company drafts the report with MDOT. MDOT acts on it in 90 days and 'shall not disapprove a report except as necessary to protect public safety or the proper function of the limited access highway', with written reasons.

Relocation: four words, no money rule, and an undefined plan

"As it is practicable"

The report must set "an agreed-on time frame during which the state transportation department shall not request the relocation of the transmission line as it is practicable" (passed 5:20-5:22). The House substitute, H-2, added the last four words. It is not clear what must be practicable. Read one way, the promise not to move a line binds MDOT only when that is convenient. In Minnesota's law, the similar phrase attaches to the notice period, not to the promise.

Fix. Replace the clause with: 'during which the department shall not require relocation of the transmission line, except to the extent relocation is necessary to protect public safety or to respond to an emergency.'

Who pays

The bill is silent on who pays when MDOT moves a line, early or on time. The House Fiscal Agency says that when facilities are in the right-of-way by permit, the highway agency "typically does not pay for relocation" [8]. Minnesota pays 75% for lines in interstate right-of-way that it moves earlier than agreed or on less notice [18]. We think the cost of a move would fall on the line owner and, through rates, likely on electric customers. The percentage is a policy choice. Silence is the defect.

Fix. State a default that the line owner pays, add a state share for any move inside the agreed period, and add 'section 13a' to the list of sections in sec. 15 of the same act (MCL 247.185).

The "5-year plan"

The notice duty turns on "a substantial change to the state transportation department's 5-year plan" that "is necessary due to unforeseen circumstances" (passed 5:23-5:25). The bill defines none of these terms. We think MDOT's Five-Year Transportation Program is most likely what it means, and MDOT updates that program every year. The notice window runs "after an updated 5-year plan is published but before

the next 5-year plan is set to be published" (passed 5:27-5:29). Our reading: with a yearly plan, that window is always open. Notice comes "as soon as is practical" (passed 6:2), with no set lead time. The bill as introduced gave 5 years.

Fix. Define '5-year plan' and 'substantial change', send notice to both requesters and permit holders, and set a minimum lead time.

Words the bill never defines

"As used in this section, "transmission line" means a high-voltage transmission line." (passed 6:3-6:4)

TERM	WHERE	PROBLEM	FIX
"transmission line"	passed 6:3-6:4	Defined as "a high-voltage transmission line," with no number. Act 30, Michigan's siting law, uses 100 kV for a transmission line and 345 kV for a major one.	Cross-refer to Act 30's definition (MCL 460.562(k)), 100 kV or more.
"projects"	passed 2:23-2:26	The aboveground allowance reaches any "projects," not only transmission lines. Sec. 13(2) covers every utility as defined in federal rules, "including pipelines" (passed 2:15-2:16).	If only transmission lines are meant, say so.
"utility," "independent transmission company," "affiliated transmission company"	passed 4:22-4:24	H-2 kept "utility" and replaced "transmission line developer" with two company types that are defined in Act 30, not in this law. The bill does not point to Act 30. "Utility" has no definition in sec. 13a.	Define each term by cross-reference to Act 30 and the federal rule.
"permissible," "collocation project," "constructability report"	passed 4:27; 5:5-5:13	No test for what is permissible and no minimum contents for the report.	Define them and list what the report must contain.
"highway corridor," "highway right-of-way"	passed 4:26; 5:5; 5:17	Sec. 13a does not say "limited access," so MDOT's duties could reach any state highway.	Say "limited access highway" throughout sec. 13a.

Sources: passed 2:14-6:4; MCL 460.562.

Two of these deserve a word more. First, the voltage. With no number, a 138 kV or 230 kV line could use sec. 13a. Lines below 345 kV need no Act 30 public meeting and no mailed Act 30 notice. We read this to mean such a line could be placed along a highway through MDOT's process alone.

Second, "Subject to section 13a" (passed 2:23). The phrase ties the aboveground allowance to sec. 13a, but sec. 13a has no rule about where lines go. It may mean that an aboveground line needs an approved report first. It may only mean that MDOT's process duties still apply. The bill should say which. One more point sits in the same sentence: the kept maintenance-cost condition was written for buried lines. We think a design that needs new guardrail could be said to raise MDOT's maintenance costs, which could be used to narrow the allowance.

Fix. Add: 'A transmission line may be placed under this subsection only after a constructability report for that line is approved under section 13a(3).' Add that a line does not raise maintenance costs if its owner agrees to pay MDOT's reasonable added costs, including guardrail.

What the bill leaves out for neighbors and townships

These are gaps in policy, not in grammar, but a few lines could close them.

- **No notice to anyone outside the deal.** The only notice in sec. 13a goes to the company that asked to collocate (passed 5:23-6:2). As introduced, it went to "the utility". No version of the bill gives notice to landowners, townships, or counties.
- **No link to the MPSC case.** Sec. 13a never mentions the MPSC certificate under Act 30. In a 2013 case, landowners proposed a corridor along I-94, not a line inside the highway right-of-way. The utility said its right-of-way would not fit along portions of that route, and the administrative law judge found the route could conflict with highway expansion. The MPSC found it was not a realistic alternative (order p. 25). A written MDOT finding filed in the case could help the Commission assess that question.
- **No public process for new standards or guidance.** The bill does not require notice or comment when the commissions or MDOT revise their rules.

Fix. On a request under sec. 13a(1), MDOT notifies each county and township along the corridor. On request of any party, MDOT files its corridor finding and any approved report in the Act 30 case. Revised standards and guidance go out for public comment before they take effect. These are our suggestions; no bill or party has proposed them.

Faults that are not the bill's

Some problems are in current law that HB 5940 leaves alone. The bill should not be blamed for them, though the Senate could fix them at the same time.

- **The fee floor is higher than the cap for short lines.** The standards may impose a one-time permit fee. If they do, it "does not exceed \$1,000.00 per mile" with "a minimum fee of \$5,000.00 per permit" (passed 3:6-3:8). For a line under 5 miles, the \$5,000 minimum exceeds \$1,000 multiplied by its length. The statute should clarify that the minimum controls for such permits. House analyses date this text to 1994.
- **A sentence with a missing subject.** In sec. 13(2), the words "is not required to obtain the consent" (passed 2:21-2:22) follow a phrase about standards, so the sentence reads as if the standards need consent. It means the utility does not.
- **Two approvers, no tie-breaker.** Both commissions must approve the standards (passed 2:19-2:20), and nothing says what happens if they disagree. This is old law, but HB 5940 now depends on it.

The Senate bills have faults of their own. SB 933 is the bill as introduced, so it carries the undefined "transmission line developer" and a missing "the" in its notice clause. SB 930 measures its notice area from the line's centerline, while its map rule uses "a 1-mile radius." SB 931 never names highway right-of-way, so the two halves of the Senate package never meet.

A five-part fix

If the Senate makes only five changes, these matter most, in this order:

1. **Deadlines for the next steps.** Both commissions approve conforming standards, and MDOT conforms guidance items 5.6 and 5.14, within 180 days; MDOT submits the policy change to FHWA.
2. **Deadlines and limits in sec. 13a.** A 30-day coordinator, set times for a corridor finding and for MDOT's decision on the report, narrow grounds for refusal, and written reasons.
3. **A clean relocation clause.** Drop "as it is practicable," set who pays, and add sec. 13a to sec. 15.
4. **Definitions by cross-reference.** Point to Act 30 for the company types and the 100 kV figure.
5. **A clear scope.** If only transmission lines are meant, say so, and tie the aboveground allowance to an approved report.

The strike of "be underground and" needs no change. Notice to townships and a link to the MPSC case are not on this list because they are policy choices, but they are the changes that would matter most to the people who live along a proposed route.

WHAT THIS MEANS FOR YOUR COMMUNITY

The bill's main sentence does what it says. Its problems are in what it leaves open: no deadlines, no notice to you, no rule on who pays when a line moves, and no number for what counts as a high-voltage line. If you write to the Senate committee, you do not need to oppose the bill to ask for these fixes. You can ask for any one of the five changes above, plus notice to townships and landowners when a company asks MDOT about a corridor near them. Name the line and page of the bill you want changed. Short, specific requests are the easiest for a committee to act on.

Appendix A: The bill, with the changes marked

This appendix gives the full text of the two sections HB 5940 would change, as the House passed them on August 26, 2026. Sec. 13 is MCL 247.183 and sec. 13a would be MCL 247.183a. Both are part of 1925 PA 368, Michigan's law on utility lines in public roads. The text is the House's engrossed print, 2026-HEBH-5940.

HOW TO READ THE MARKS

- **Bold text** is new. The bill adds it.
- Words ~~with a line through them~~ are struck. The bill deletes them, and they would not be law.
- Plain text is current law that the bill leaves unchanged.
- The label after each subsection gives the page and line numbers in the printed bill, for example (*passed 2:14-3:14*).

Section 13(2) contains the bill's only deletion: "be underground and." The marked text below shows both that deletion and the new sentence allowing aboveground lines.

The bill's title says it amends sec. 13 "as amended by 2018 PA 565" and adds sec. 13a. It has no effective date in its text. The House voted to give it immediate effect.

Section 13 (MCL 247.183), as amended

Only subsection (2) changes. Subsections (1), (3), and (4) are current law, shown in full so you can see the whole section.

Sec. 13. (1) Except as otherwise provided under subsection (2), telegraph, telephone, power, and other public utility companies, cable television companies, broadband companies, and municipalities may enter upon, construct, and maintain telegraph, telephone, or power lines, pipelines, wires, cables, poles, conduits, sewers or similar structures upon, over, across, or under any public road, bridge, street, or public place, including, longitudinally within limited access highway rights-of-way, and across or under any of the waters in this state, with all necessary erections and fixtures for that purpose. A telegraph, telephone, power, and other public utility company, cable television company, broadband company, and municipality, before any of this work is commenced, shall first obtain the consent of the governing body of the city, village, or township through or along which these lines and poles are to be constructed and maintained.

(*passed 1:1-2:13*)

(2) A utility as defined in 23 CFR 645.105 may enter upon, construct, and maintain utility lines and structures, including pipelines, longitudinally within limited access highway rights-of-way and under any public road, street, or other subsurface that intersects any limited access highway at a different grade, in accordance with standards approved by the state transportation commission and the Michigan public service commission that conform to governing federal laws and regulations and is not required to obtain the consent of the governing body of the city, village, or township as required under subsection (1). **Subject to section 13a, the standards must allow for the collocation of projects, including aboveground lines and structures, in limited access highway rights-of-way.** The standards must require that the lines

and structures ~~be underground and~~ be placed in a manner that will not increase highway maintenance costs for the state transportation department. The standards may provide for the imposition of a reasonable charge for longitudinal use of limited access highway rights-of-way. The imposition of a reasonable charge is a governmental function, offsetting a portion of the capital, maintenance, and permitting expense of the limited access highway, and is not a proprietary function. The charge must be calculated to reflect a 1-time installation permit fee that does not exceed \$1,000.00 per mile of longitudinal use of limited access highway rights-of-way with a minimum fee of \$5,000.00 per permit. If the 1-time installation permit fee does not cover the reasonable and actual costs to the department in issuing the permit, the department may assess the utility for the remaining balance. All revenue received under this subsection must be used for capital and maintenance expenses incurred for limited access highways, including the cost of issuing the permit.

(passed 2:14-3:14)

(3) If a city, village, township, county, or county road commission or the state transportation department requests or requires an entity holding a license under the Michigan telecommunications act, 1991 PA 179, MCL 484.2101 to 484.2603, or holding a franchise under the uniform video services local franchise act, 2006 PA 480, MCL 484.3301 to 484.3315, to relocate facilities, the city, village, township, county, or county road commission or the state transportation department may require the entity to obtain a permit for the relocation of the facilities but shall waive any permit fees including, but not limited to, any permit fee under subsection (2). This subsection does not apply if the request to relocate facilities was due to an entity placing facilities in a location not authorized by a current or previous permit.

(passed 3:15-3:28)

(4) A person engaged in the collection of traffic data or the provision of travel-related information or assistance may enter upon, construct, and maintain electronic devices and related structures within limited access and other highway rights-of-way in accordance with standards approved by the state transportation commission that conform to governing federal laws and regulations. The standards must require that the devices and structures be placed in a manner that will not impede traffic and will not increase maintenance costs for the state transportation department. The state transportation department may enter into agreements to authorize the use of property acquired for or designated as a highway or acquired for or designated for ancillary purposes for the installation, operation, and maintenance of commercial or noncommercial electronic devices and related structures for the collection of traffic data or to assist in providing travel-related information or assistance to motorists who subscribe to travel-related services, the public, or the department. Any revenue generated by the agreements must be deposited in the state trunk line fund established under section 11 of 1951 PA 51, MCL 247.661. The department may accept facilities or in-kind services to be used for public purposes in lieu of, or in addition to, monetary compensation.

(passed 3:29-4:21)

Section 13a (new MCL 247.183a), as passed by the House

All of sec. 13a is new, so all of it is in bold.

Sec. 13a. (1) On the written request of a utility, an independent transmission company, or an affiliated transmission company, the state transportation department shall coordinate with that utility, independent transmission company, or affiliated transmission company to review requested highway corridors for permissible locations for transmission lines.

(passed 4:22-4:27)

(2) The state transportation department shall share all known plans with a utility, independent transmission company, or affiliated transmission company regarding potential future projects that may impact the placement of a transmission line by that utility, independent transmission company, or affiliated transmission company.

(passed 4:28-5:4)

(3) If a permittable route along a highway corridor has been identified by the state transportation department and the utility, independent transmission company, or affiliated transmission company, the state transportation department must consult with the utility, independent transmission company, or affiliated transmission company to prepare a constructability report to be utilized by the state transportation department and the utility, independent transmission company, or affiliated transmission company when collocation projects are being planned and approved. The report must be approved by both the state transportation department and the utility, independent transmission company, or affiliated transmission company before the state transportation department issues a permit for use of the highway right-of-way.

(passed 5:5-5:17)

(4) The constructability report described in subsection (3) must include the terms and conditions for building the collocation project, including an agreed-on time frame during which the state transportation department shall not request the relocation of the transmission line as it is practicable.

(passed 5:18-5:22)

(5) If a substantial change to the state transportation department's 5-year plan is necessary due to unforeseen circumstances in a location that a utility, independent transmission company, or affiliated transmission company has submitted a written request to collocate, after an updated 5-year plan is published but before the next 5-year plan is set to be published, the state transportation department must inform that utility, independent transmission company, or affiliated transmission company in writing as soon as is practical.

(passed 5:23-6:2)

(6) As used in this section, "transmission line" means a high-voltage transmission line.

(passed 6:3-6:4)

What changed between the introduced bill and H-2

The bill was introduced on May 12, 2026. On June 23 the House committee recommended a substitute, H-2. The full House adopted H-2 on July 1 without a recorded roll call and passed it without change. Sec. 13 is word for word the same in all three versions, including the strike of "be underground and" (introduced 2:28-3:1). Every change was in sec. 13a.

SUBSECTION	AS INTRODUCED	AS PASSED (H-2)
13a(1) and (3): who may ask MDOT	"a utility or transmission line developer"	"a utility, an independent transmission company, or an affiliated transmission company"

SUBSECTION	AS INTRODUCED	AS PASSED (H-2)
13a(2): who gets MDOT's plans	Only "a utility"	All three types of company
13a(4): the period with no move	No qualifier	Adds "as it is practicable" at the end
13a(5): notice before a move	5 years' notice to "the utility" before MDOT relocates a line	Written notice "as soon as is practical" of an unforeseen change to MDOT's 5-year plan
13a(6): definition	Same	Same

Sources: introduced 4:25-5:25; passed 4:22-6:4.

The biggest change is to the notice. As introduced, sec. 13a(5) read:

"If state transportation department must relocate a transmission line in a highway right-of-way, the state transportation department must give the utility notice not less than 5 years before the relocation project begins." (introduced 5:20-5:23)

H-2 replaced that sentence with the text of sec. 13a(5) shown above. The missing "the" before "state transportation department" is in the introduced print. As introduced, the no-move period in sec. 13a(4) ended "shall not request the relocation of the transmission line" (introduced 5:18-5:19), with no qualifier.

H-2 kept "utility" and replaced "transmission line developer" with two company types. Both are defined in Act 30, Michigan's transmission siting law (MCL 460.562(a), (f)), not in 1925 PA 368. HB 5940 does not refer to Act 30, and "utility" is not defined in sec. 13a. The House Fiscal Agency's analysis of H-2 describes these changes but gives no reasons for them.

SB 933, the Senate bill from the same drafting request, still has the introduced text, including the 5-year notice and the same strike of "be underground and."

Appendix B: Sources and map data

This appendix identifies the principal documents used in the analysis and the data behind the county maps. Sources and legislative status are reported as of October 4, 2026. The consolidated references that follow include the additional sources cited in individual chapters.

Primary sources

The bill

- **HB 5940, House bill page.** <https://www.legislature.mi.gov/Bills/Bill?ObjectName=2026-HB-5940>
- **As introduced, PDF (2026-HIB-5940).** <https://www.legislature.mi.gov/documents/2025-2026/billintroduced/House/pdf/2026-HIB-5940.pdf>
- **As introduced, web version.** <https://www.legislature.mi.gov/documents/2025-2026/billintroduced/House/htm/2026-HIB-5940.htm>
- **Substitute H-2, PDF (2026-HCVBH-5940-00338).** <https://www.legislature.mi.gov/Home/GetObject?objectName=2026-HCVBH-5940-00338.pdf>
- **As passed by the House, PDF (2026-HEBH-5940).** <https://www.legislature.mi.gov/documents/2025-2026/billengrossed/House/pdf/2026-HEBH-5940.pdf>
- **As passed by the House, web version.** <https://www.legislature.mi.gov/documents/2025-2026/billengrossed/House/htm/2026-HEBH-5940.htm>

House Fiscal Agency analyses

- **Summary as introduced (June 15, 2026).** <https://www.legislature.mi.gov/documents/2025-2026/billanalysis/House/pdf/2026-HLA-5940-YR5DPMCK.pdf>
- **Summary of proposed substitute H-2 (June 23, 2026).** <https://www.legislature.mi.gov/documents/2025-2026/billanalysis/House/pdf/2026-HLA-5940-VC4NGPTF.pdf>
- **Summary as reported from committee (June 30, 2026).** <https://www.legislature.mi.gov/documents/2025-2026/billanalysis/House/pdf/2026-HLA-5940-6Z8XMQWS.pdf>

The Senate package (as introduced, web versions)

- **SB 930.** <https://www.legislature.mi.gov/documents/2025-2026/billintroduced/Senate/htm/2026-SIB-0930.htm>
- **SB 931.** <https://www.legislature.mi.gov/documents/2025-2026/billintroduced/Senate/htm/2026-SIB-0931.htm>
- **SB 932.** <https://www.legislature.mi.gov/documents/2025-2026/billintroduced/Senate/htm/2026-SIB-0932.htm>
- **SB 933.** <https://www.legislature.mi.gov/documents/2025-2026/billintroduced/Senate/htm/2026-SIB-0933.htm>

The legislative record

- **House Journal 50 (June 23, 2026), committee report.** <https://www.legislature.mi.gov/documents/2025-2026/journal/House/pdf/2026-HJ-06-23-050.pdf>

- **House Journal 54 (July 1, 2026), H-2 adopted.** <https://www.legislature.mi.gov/documents/2025-2026/journal/House/pdf/2026-HJ-07-01-054.pdf>
- **House Journal 63 (August 26, 2026), Roll Call 353.** <https://www.legislature.mi.gov/documents/2025-2026/journal/House/pdf/2026-HJ-08-26-063.pdf>
- **Senate Journal 67 (September 9, 2026), referral.** <https://www.legislature.mi.gov/documents/2025-2026/journal/Senate/pdf/2026-SJ-09-09-067.pdf>
- **House Transportation and Infrastructure minutes, June 16, 2026.** <https://house.mi.gov/Document/?DocumentId=69937&DocumentType=CommitteeMeetingMinutes>
- **House Transportation and Infrastructure minutes, June 23, 2026.** <https://house.mi.gov/Document/?DocumentId=70446&DocumentType=CommitteeMeetingMinutes>
- **Senate Energy and Environment Committee page.** <https://www.senate.michigan.gov/information/committees/all-committees/2025-2026/energy-and-environment/>
- **Senate 2026 July-December session schedule.** <https://senate.michigan.gov/media/ix1pkvtu/2026-july-dec-session-schedule.pdf>
- **Michigan Constitution, art. 4, sec. 13 (end of session).** <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-Article-IV-13>
- **Michigan Constitution, art. 4, sec. 27 (immediate effect).** <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-Article-IV-27>

Michigan law

The statutory analysis uses the Legislature's published Michigan Compiled Laws as of October 4, 2026.

- **1925 PA 368: MCL 247.183 (sec. 13), 247.184, 247.185, and 247.186.** <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-247-183> (and the same address ending in 247-184, 247-185, 247-186)
- **Limited access highways: MCL 252.51 and 252.52.** <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-252-51>
- **Act 30 of 1995, transmission line siting: MCL 460.562, 460.563, 460.566, 460.567, and 460.568.** <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-460-568>

Federal law and guidance

- **23 CFR part 645, April 1, 2025, edition.** <https://www.govinfo.gov/content/pkg/CFR-2025-title23-vol1/pdf/CFR-2025-title23-vol1-part645.pdf>
- **List of CFR Sections Affected, August 2026.** Used to check for changes to part 645 after the 2025 edition. <https://www.govinfo.gov/content/pkg/LSA-2026-08/pdf/LSA-2026-08.pdf>
- **FHWA, America's Great Corridors of Commerce Guidance on the Use of Highway Right-of-Way (September 1, 2026).** https://www.fhwa.dot.gov/real_estate/right-of-way/corridor_management/guidance-use-highway-right-of-way.pdf

MDOT

- **MDOT Utility Accommodation Guidance (effective May 15, 2023; revised April 2026).** Items 5.6 and 5.14. <https://michigan.gov/mdot/-/media/Project/Websites/MDOT/Business/Permits/Utility-Coordination/Utility-Accommodation-Guidance.pdf>

Michigan Public Service Commission

The links below provide text copies of MPSC orders and filings through OpenMPSC. The Commission's e-dockets contain the official case records: <https://mi-psc.my.site.com/s/>.

- **Case U-22064, order and notice of hearing on proposed Act 30 rules (October 1, 2026).** <https://openmpsc.com/api/v1/filings/U-22064-0001/content>
- **Case U-21930, order adopting voluntary filing guidelines (January 29, 2026).** The 45-day alternative-route period is on pp. 30-31. <https://openmpsc.com/api/v1/orders/a0Ics00000sX28nEAC/content>
- **Cases U-21471 and U-21472, METC certificates (July 10, 2025).** <https://openmpsc.com/api/v1/orders/a0Ics00000WFtrOEAT/content>
- **Case U-17041, METC certificate, I-94 corridor alternative (July 29, 2013).** The Commission's finding is on p. 25; pp. 17-20 hold the parties' arguments. <https://openmpsc.com/api/v1/orders/a0It000000ccU3BEAU/content>
- **MISO, MTEP24 Board item, Appendix A, Tranche 2.1 projects (December 12, 2024).** <https://cdn.misoenergy.org/20241212%20Board%20of%20Directors%20Item%2009a%20MTEP%20Executive%20Summary%20Appendix%20A%20Appendix%20F665158.pdf>

Other states

- **Minn. Stat. 161.45 (current).** <https://www.revisor.mn.gov/statutes/cite/161.45>
- **Laws of Minnesota 2024, ch. 127.** <https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>
- **New York S8114 (2025-2026).** <https://www.nysenate.gov/legislation/bills/2025/S8114>
- **Illinois SB 2789, full text.** <https://www.ilga.gov/Legislation/BillStatus/FullText?GAID=18&DocNum=2789&DocTypeID=SB&LegId=164846&SessionID=114>

Advocacy and news

- **NextGen Highways, Michigan coalition launch (June 17, 2026).** <https://nextgenhighways.org/nextgen-highways-launches-michigan-coalition/>
- **NextGen Highways, Michigan coalition page.** <https://nextgenhighways.org/michigan/>
- **Michigan Advance, House Republican bill would allow aboveground power lines to use highway rights-of-way (June 17, 2026).** <https://michiganadvance.com/2026/06/17/house-republican-bill-would-allow-aboveground-power-lines-to-use-highway-rights-of-way/>
- **WILX, copy of the WLUC TV6 story (June 17, 2026).** <https://www.wilx.com/2026/06/17/rep-prestin-testifies-bill-allow-high-voltage-power-lines-be-built-along-highways/>

Our earlier public report

- **Route Analysis for the ITC Oneida-Sabine Lake 345 kV Transmission Line (revised September 24, 2026).** The PDF is labeled a preliminary draft; the web page calls it a revised draft. The freeway-credit method and Table 5 are on PDF pp. 21-23; the miles each route runs alongside I-96 are on pp. 27-28. <https://bommaritollc.com/reports/itc-oneida-sabine-345kv-route-analysis-2026-09-24.pdf>

Maps and county measures

The highway maps use MDOT Roads & Highways 2026 (v26), with limited access highways identified from access-control coding. County boundaries come from Census TIGER/Line 2025. Transmission lines come from the HIFLD U.S. Electric Power Transmission Lines archive, edited August 26, 2025.

Highway figures are route miles along the centerline, counting one direction of a divided highway. They are not lane miles or measurements of the land within the right-of-way. Transmission figures describe the mapped network; missing voltage values and other gaps in the source data prevent treating them as a complete inventory.

The proximity analysis measures distance between mapped highway and transmission centerlines. A line near a highway is not necessarily inside highway right-of-way. These data cannot establish property boundaries, clear-zone widths, available space for towers, or the feasibility of a proposed design.

County measures are available at <https://bommaritollc.com/data/hb5940/hb5940-county-measures-2026-10-04.csv>. The public analysis and accompanying maps are at <https://bommaritollc.com/insights/michigan-hb-5940-transmission-highways>.

Sources

1. Michigan Legislature, House Bill 5940 of 2026, bill history and documents (accessed Oct. 4, 2026) · www.legislature.mi.gov
2. Michigan Legislature, MCL 247:183, current text (accessed Oct. 4, 2026) · www.legislature.mi.gov
3. GovInfo, 23 CFR part 645, annual edition revised as of April 1, 2025 (accessed Oct. 4, 2026) · www.govinfo.gov
4. FHWA, America's Great Corridors of Commerce Guidance on the Use of Highway Right-of-Way (Sep. 1, 2026) · www.fhwa.dot.gov
5. MDOT, Utility Accommodation Guidance (rev. Apr. 2026; accessed Oct. 4, 2026) · michigan.gov
6. MPSC, Case U-22064, proposed Act 30 rules, filing U-22064-0001 (Oct. 1, 2026) · openmpsc.com
7. MDOT, State Transportation Commission approves final 2026-2030 Five-Year Transportation Program (Nov. 6, 2025) · www.michigan.gov
8. House Fiscal Agency, Legislative Analysis of HB 5940 as reported (June 30, 2026) · www.legislature.mi.gov
9. MPSC, Case U-21471, Order O-013347 granting certificates, pp. 92, 97 (July 10, 2025) · openmpsc.com
10. MPSC, Case U-17041, Order O-006843, pp. 17-20 (arguments) and p. 25 (finding) (July 29, 2013) · openmpsc.com
11. Minnesota Public Utilities Commission, MnDOT correspondence, Appendix F (Mar. 10, 2025) · puc.eip.mn.gov
12. Michigan Public Service Commission, Order adopting final voluntary Act 30 filing guidelines, Case U-21930 (Jan. 29, 2026) · openmpsc.com
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About Bommarito Consulting

Bommarito Consulting was founded in 2011. We provide expert research and consulting to help residents, townships, and their counsel respond to proposed infrastructure, turning legislation, utility filings, and public data into analysis, maps, and measurements they can use and check. Every engagement is led by a principal.



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