

## UTILITY STATUTES

- 31-26-1. Application to board of county commissioners to erect poles and wires or to bury cable for electricity and telephone--Period covered by application--Regulation by Legislature. The board of county commissioners, upon written application designating the particular highway the use of which is desired, may grant to any person engaged in the manufacture or sale of electric light and power, or any municipality authorized by law to purchase electric current, or any person authorized by law to purchase such current from such municipality, or any person engaged in, or about to engage in, the furnishing of telephone service, the right to erect and maintain poles and wires or to bury underground cable for the purpose of conducting electricity for lighting, heating, and power purposes, together with stay wires and braces, and for the purpose of furnishing telephone service, in and along any public highway in its county for a period not to exceed twenty years, subject to the conditions set forth in this chapter and such further reasonable regulations as the Legislature may hereafter prescribe.
- 31-26-9. Noncompliance with requirements as petty offense. Any person who, having received a grant as to placing of wires and poles or underground cable on a highway under this chapter, fails to comply with the provisions of § 31-26-4, 31-26-5, or 31-26-7 commits a petty offense.
- 31-26-13. Application presented to board of county commissioners—Notice of hearing. The county auditor shall present an application under § 31-26-1 to the board of county commissioners within thirty days after the filing of the same, at a regular or special meeting called for that purpose and shall give ten days' notice by mail of such application and the time and place when and where such application will be heard to all persons, firms, or corporations owning or operating electric, telephone, or telegraph lines or underground cable on any part of the highway or highways which the proposed lines may occupy.
- 31-26-14. Action by board--Period of delay. It shall be the duty of the board of county commissioners to take immediate action upon an application under § 31-26-13 at the time and place noticed for hearing thereon and final action thereon and final action thereon shall not be delayed for a longer period than ten days from the date of meeting set for the hearing.
- 31-26-15. Application granted--Adjustment with other utilities--Apportionment of costs--Telephone companies. If the application for construction or reconstruction of an electric line is granted by the board of county commissioners, it shall be competent for such board to adjust any differences that may arise between any such applicant and any owner or owners of any electric, telephone, or telegraph line or underground cable affected by such decision, in the matter of construction or reconstruction, and such board may adjust and apportion the costs which may be occasioned in order to carry out the plans, methods, or means approved by the board as deemed necessary to avoid or minimize interference or hazard. However, if there is a dispute between two telephone companies such dispute shall be adjusted by the Public Utilities Commission.

- 31-26-17. Appeal by aggrieved parties--Trial de novo--Appeal during vacation. Any interested party feeling aggrieved by the decision of the board of county commissioners on the matter of an application under § 31-26-1, shall have the right of appeal to the circuit court as from other decisions from such board, and on such appeal the circuit court shall hear and determine the matter de novo. The hearing of such appeal may be brought on either in vacation or term time upon ten days' notice to the applicant or appellant.
- 31-26-23. Relocation of electric lines and pipelines along highways. When any highway along, under, or over which such facilities have been constructed shall be changed, the permit holder shall, upon ninety days' notice in writing, remove or relocate such facilities at its own cost.
- 31-26-23.1. Agreements with owners of utility lines and facilities for future relocation--Limitation. Notwithstanding the provisions of § 31-26-23, the Department of Transportation may enter into agreements with the owners of utility lines and facilities providing for the future relocation, at the department's expense, of utility lines and facilities located within any highway right-of-way. However, the department may enter into such agreements only if existing utility lines or facilities on private property will be located within the right-of-way as the result of a highway construction project.
- 31-26-24. Rural water pipelines covered by chapter. The terms and provisions of this chapter shall also apply to the laying and construction of rural water pipelines insofar as they may be applicable thereto.
- 31-26-25. Application for construction of rural water pipeline over, across, or under public highways--Countywide authorization. Any person desiring to construct or lay a water pipeline over, across, or under public highways, except state trunk system highways, for the purpose of providing rural water service in the State of South Dakota shall make application to the board of county commissioners as is provided in this chapter. However, the application need not indicate the point or points to which the water pipeline is to be constructed nor the route thereof. Upon application, the board of county commissioners may grant countywide authorization for the construction of rural water service lines subject to the provisions of this chapter.