

HOUSE BILL 875

L6
HB 1657/06 – ECM

71r1514
CF SB 423

By: Delegates Lawton, Ali, Barkley, Barnes, Benson, Bronrott, Elmore, Frush, Gaines, Gilchrist, Gutierrez, Holmes, Hubbard, Hucker, Ivey, Kaiser, N. King, Lee, Levi, Love, Manno, Mizeur, Montgomery, Niemann, Pena-Melnyk, Rice, Ross, Shank, Simmons, Sossi, Stein, Stifler, Stull, Waldstreicher, ~~and Weldon~~ Weldon, Braveboy, Burns, Feldman, Haddaway, Harrison, Hecht, Impallaria, J. King, Kirk, Krysiak, Mathias, McHale, Minnick, Rudolph, Taylor, Vaughn, Walkup, and Healey

Introduced and read first time: February 9, 2007
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted with floor amendments
Read second time: March 14, 2007

CHAPTER _____

1 AN ACT concerning

2 **Local Government – Street Lighting Equipment**

3 FOR the purpose of authorizing a local government to purchase certain street lighting
4 equipment from an electric company; requiring a local government to pay fair
5 market value for the purchase of certain street lighting equipment; providing
6 that a local government that purchases certain street lighting equipment is
7 responsible for the maintenance of the street lighting equipment and may
8 contract with an outside entity for the maintenance of the street lighting
9 equipment; requiring a person that controls the right to use space on certain
10 poles, lampposts, or other mounting surfaces to allow a certain local government
11 to assume the rights and obligations of an electric company under certain
12 circumstances; prohibiting a local government from restricting or prohibiting
13 universal access for electricity or any other service under certain circumstances;
14 ~~providing that certain provisions of law regarding high voltage lines do not~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~apply to the maintenance of street lighting equipment under certain~~
 2 ~~circumstances~~ requiring that certain disputes between an electric company and
 3 a local government be submitted to the Public Service Commission for
 4 resolution; providing that certain requirements applicable to a person
 5 performing certain activities in proximity to a high voltage line do not apply to a
 6 local government performing maintenance on street lighting equipment owned
 7 by the local government; requiring a person who performs certain maintenance
 8 on street lighting equipment owned by a local government to comply with
 9 certain safety standards; defining a certain term; and generally relating to
 10 street lighting equipment.

11 BY adding to
 12 Article 24 – Political Subdivisions – Miscellaneous Provisions
 13 Section 5–101 to be under the new title “Title 5. Street Lighting Equipment”
 14 Annotated Code of Maryland
 15 (2005 Replacement Volume and 2006 Supplement)

16 BY repealing and reenacting, without amendments,
 17 Article – Labor and Employment
 18 Section 6–106
 19 Annotated Code of Maryland
 20 (1999 Replacement Volume and 2006 Supplement)

21 BY repealing and reenacting, with amendments,
 22 Article – Labor and Employment
 23 Section ~~6–102~~ 6–107
 24 Annotated Code of Maryland
 25 (1999 Replacement Volume and 2006 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 27 MARYLAND, That the Laws of Maryland read as follows:

28 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

29 **TITLE 5. STREET LIGHTING EQUIPMENT.**

30 **5–101.**

31 (A) IN THIS SECTION, “ELECTRIC COMPANY” HAS THE ~~SAME MEANING~~
 32 ~~AS PROVIDED~~ MEANING STATED IN § 1–101 OF THE PUBLIC UTILITY
 33 COMPANIES ARTICLE.

1 ~~This title does not apply to:~~

2 ~~(1) the maintenance or repair of an electric power plant or system that~~
3 ~~a private company or corporation owns or operates for production of electricity for its~~
4 ~~own use; [or]~~

5 ~~(2) the construction, maintenance, or operation of a high voltage line~~
6 ~~and its support structures and associated equipment by a public utility that the Public~~
7 ~~Service Commission regulates or an agent or contractor of the utility; OR~~

8 ~~(3) THE MAINTENANCE OF STREET LIGHTING EQUIPMENT BY A~~
9 ~~LOCAL GOVERNMENT THAT OWNS THE STREET LIGHTING EQUIPMENT.~~

10 6-106.

11 If any part of an individual or object will come within 10 feet of a high voltage
12 line while performing the activity, a person shall comply with § 6-107 of this title
13 before the person may perform, or require or allow an employee to perform, any of the
14 following activities:

15 (1) moving all or any part of a building or other structure;

16 (2) trimming a tree or doing any similar activity; or

17 (3) erecting, operating, storing, transporting, or otherwise handling
18 any object, including:

19 (i) an antenna;

20 (ii) an antenna support;

21 (iii) equipment;

22 (iv) a flagpole;

23 (v) machinery;

24 (vi) material;

25 (vii) tools; or

26 (viii) other apparatus.

1 6-107.

2 (A) [Whenever] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS
3 SECTION, WHENEVER an activity listed under § 6-106 of this title is to be performed
4 within 10 feet of a high voltage line, the person responsible for performing the activity
5 shall:

6 (1) promptly notify the owner or operator of the high voltage line of
7 the activity to be performed;

8 (2) make any appropriate arrangements with the owner or operator of
9 the high voltage line to carry out any safety measures required by item (3) of this
10 ~~section~~ SUBSECTION; and

11 (3) with any necessary cooperation from and subject to any necessary
12 agreement with the owner or operator of the high voltage line, ensure that the high
13 voltage line has been effectively guarded against accidental contact by:

14 (i) installing physical barriers to prevent physical contact with
15 the high voltage line;

16 (ii) relocating the high voltage line; or

17 (iii) de-energizing and grounding the high voltage line.

18 (B) (1) THIS SUBSECTION APPLIES ONLY WHEN A LOCAL
19 GOVERNMENT PERFORMS MAINTENANCE ON STREET LIGHTING EQUIPMENT
20 OWNED BY THE LOCAL GOVERNMENT.

21 (2) WHENEVER AN ACTIVITY LISTED UNDER § 6-106 OF THIS
22 TITLE IS TO BE PERFORMED WITHIN 10 FEET OF A HIGH VOLTAGE LINE, THE
23 PERSON RESPONSIBLE FOR PERFORMING THE ACTIVITY SHALL:

24 (I) COMPLY WITH THE NATIONAL ELECTRIC SAFETY CODE;
25 AND

26 (II) BE QUALIFIED AS DEFINED IN THE NATIONAL ELECTRIC
27 SAFETY CODE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 ~~October~~ June 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.