

SENATE BILL 423

L6

(71r0675)

ENROLLED BILL

— *Education, Health, and Environmental Affairs / Economic Matters* —

Introduced by **Senators Madaleno, Britt, Colburn, Edwards, Forehand, Frosh, Jacobs, Kelley, Lenett, Munson, Peters, Pinsky, Pugh, Raskin, Robey, and Rosapepe** ~~Rosapepe~~ **Rosapepe, and Hogan**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

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

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.

Italics indicate opposite chamber / conference committee amendments.



1 equipment; requiring a person that controls the right to use space on certain
 2 poles, lampposts, or other mounting surfaces to allow a certain local government
 3 to assume the rights and obligations of an electric company under certain
 4 circumstances; prohibiting a local government from restricting or prohibiting
 5 universal access for electricity or any other service under certain circumstances;
 6 ~~providing that certain provisions of law regarding high voltage lines do not~~
 7 ~~apply to the maintenance of street lighting equipment under certain~~
 8 ~~circumstances~~ requiring that certain disputes between an electric company and
 9 a local government be submitted to the Public Service Commission for
 10 resolution; providing that certain requirements applicable to a person
 11 performing certain activities in proximity to a high voltage line do not apply to a
 12 local government performing maintenance on street lighting equipment owned
 13 by the local government; requiring a person who performs certain maintenance
 14 activities on street lighting equipment owned by a local government to be
 15 performed and certain persons to be qualified in accordance with the National
 16 Electric Safety Code comply with certain safety standards; defining a certain
 17 term; and generally relating to street lighting equipment.

18 BY adding to

19 Article 24 – Political Subdivisions – Miscellaneous Provisions

20 Section 5–101 to be under the new title “Title 5. Street Lighting Equipment”

21 Annotated Code of Maryland

22 (2005 Replacement Volume and 2006 Supplement)

23 BY repealing and reenacting, without amendments,

24 Article – Labor and Employment

25 Section 6–106

26 Annotated Code of Maryland

27 (1999 Replacement Volume and 2006 Supplement)

28 BY repealing and reenacting, with amendments,

29 Article – Labor and Employment

30 Section ~~6–102 and 6–107~~

31 Annotated Code of Maryland

32 (1999 Replacement Volume and 2006 Supplement)

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

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

36 **TITLE 5. STREET LIGHTING EQUIPMENT.**

1 **5-101.**

2 (A) IN THIS SECTION, "ELECTRIC COMPANY" HAS THE ~~SAME MEANING~~
3 ~~AS PROVIDED~~ MEANING STATED IN § 1-101 OF THE PUBLIC UTILITY
4 COMPANIES ARTICLE.

5 (B) ON WRITTEN REQUEST BY A LOCAL GOVERNMENT, AN ELECTRIC
6 COMPANY SHALL SELL TO THE LOCAL GOVERNMENT SOME OR ALL OF THE
7 ELECTRIC COMPANY'S EXISTING STREET LIGHTING EQUIPMENT THAT IS
8 LOCATED WITHIN THE LOCAL JURISDICTION.

9 (C) IF THE LOCAL GOVERNMENT PURCHASES STREET LIGHTING
10 EQUIPMENT FROM AN ELECTRIC COMPANY, THE LOCAL GOVERNMENT SHALL
11 PAY TO THE ELECTRIC COMPANY THE FAIR MARKET VALUE OF THE STREET
12 LIGHTING EQUIPMENT.

13 (D) A LOCAL GOVERNMENT THAT PURCHASES THE STREET LIGHTING
14 EQUIPMENT IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION SHALL BE
15 RESPONSIBLE FOR THE MAINTENANCE OF THE STREET LIGHTING EQUIPMENT
16 AND MAY CONTRACT WITH AN OUTSIDE ENTITY FOR THE MAINTENANCE OF THE
17 STREET LIGHTING EQUIPMENT.

18 (E) (1) ANY PERSON WHO CONTROLS THE RIGHT TO USE SPACE ON
19 ANY POLE, LAMPOST, OR OTHER MOUNTING SURFACE PREVIOUSLY USED IN
20 THE LOCAL JURISDICTION BY THE ELECTRIC COMPANY FOR STREET LIGHTING
21 EQUIPMENT SHALL ALLOW A LOCAL GOVERNMENT THAT HAS PURCHASED THE
22 STREET LIGHTING EQUIPMENT TO ASSUME THE RIGHTS AND OBLIGATIONS OF
23 THE ELECTRIC COMPANY WITH RESPECT TO THE SPACE FOR THE UNEXPIRED
24 TERM OF ANY LEASE OR OTHER AGREEMENT UNDER WHICH THE ELECTRIC
25 COMPANY USED THE SPACE.

26 (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION,
27 THE LOCAL GOVERNMENT MAY NOT RESTRICT OR PROHIBIT UNIVERSAL ACCESS
28 FOR ELECTRICITY OR ANY OTHER SERVICE BY ASSUMING THE RIGHTS AND
29 OBLIGATIONS OF AN ELECTRIC COMPANY AS TO SPACE ON ANY POLE,
30 LAMPOST, OR OTHER MOUNTING SURFACE USED FOR STREET LIGHTING
31 EQUIPMENT.

1 **(3) ANY DISPUTE BETWEEN AN ELECTRIC COMPANY AND A LOCAL**
2 **GOVERNMENT ARISING UNDER THIS SUBSECTION SHALL BE SUBMITTED TO THE**
3 **PUBLIC SERVICE COMMISSION FOR RESOLUTION.**

4 **Article – Labor and Employment**

5 ~~6–102.~~

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

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

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

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

15 6–106.

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

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

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

22 (3) erecting, operating, storing, transporting, or otherwise handling
23 any object, including:

24 (i) an antenna;

25 (ii) an antenna support;

26 (iii) equipment;

27 (iv) a flagpole;

- 1 (v) machinery;
 2 (vi) material;
 3 (vii) tools; or
 4 (viii) other apparatus.

5 6–107.

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

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

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

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

18 (i) installing physical barriers to prevent physical contact with
 19 the high voltage line;

20 (ii) relocating the high voltage line; or

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

22 (B) (1) ~~IF A LOCAL GOVERNMENT THAT OWNS STREET LIGHTING~~
 23 ~~EQUIPMENT PERFORMS MAINTENANCE THAT INVOLVES AN ACTIVITY LISTED IN~~
 24 ~~§ 6–106 OF THIS TITLE WITHIN 10 FEET OF A HIGH VOLTAGE LINE, THE PERSON~~
 25 ~~RESPONSIBLE FOR PERFORMING THE ACTIVITY SHALL~~ THIS SUBSECTION
 26 APPLIES ONLY WHEN A LOCAL GOVERNMENT PERFORMS MAINTENANCE ON
 27 STREET LIGHTING EQUIPMENT OWNED BY THE LOCAL GOVERNMENT.

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

4 **(1) (I) COMPLY WITH THE NATIONAL ELECTRIC SAFETY CODE;**
5 **AND**

6 **(2) (II) BE QUALIFIED IN ACCORDANCE WITH THE**
7 **QUALIFICATION STANDARDS AS DEFINED IN THE NATIONAL ELECTRIC SAFETY**
8 **CODE.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.