

SENATE BILL 423

L6
SB 296/06 – EHE

71r0675

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

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 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~~
15 ~~apply to the maintenance of street lighting equipment under certain~~
16 ~~circumstances~~ requiring that certain disputes between an electric company and
17 a local government be submitted to the Public Service Commission for
18 resolution; providing that certain requirements applicable to a person
19 performing certain activities in proximity to a high voltage line do not apply to a

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 local government performing maintenance on street lighting equipment owned
 2 by the local government; requiring certain maintenance activities to be
 3 performed and certain persons to be qualified in accordance with the National
 4 Electric Safety Code; defining a certain term; and generally relating to street
 5 lighting equipment.

6 BY adding to

7 Article 24 – Political Subdivisions – Miscellaneous Provisions
 8 Section 5–101 to be under the new title “Title 5. Street Lighting Equipment”
 9 Annotated Code of Maryland
 10 (2005 Replacement Volume and 2006 Supplement)

11 BY repealing and reenacting, with amendments,

12 Article – Labor and Employment
 13 Section 6–102 and 6–107
 14 Annotated Code of Maryland
 15 (1999 Replacement Volume and 2006 Supplement)

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

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

19 **TITLE 5. STREET LIGHTING EQUIPMENT.**

20 **5–101.**

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

24 (B) ON WRITTEN REQUEST BY A LOCAL GOVERNMENT, AN ELECTRIC
 25 COMPANY SHALL SELL TO THE LOCAL GOVERNMENT SOME OR ALL OF THE
 26 ELECTRIC COMPANY’S EXISTING STREET LIGHTING EQUIPMENT THAT IS
 27 LOCATED WITHIN THE LOCAL JURISDICTION.

28 (C) IF THE LOCAL GOVERNMENT PURCHASES STREET LIGHTING
 29 EQUIPMENT FROM AN ELECTRIC COMPANY, THE LOCAL GOVERNMENT SHALL
 30 PAY TO THE ELECTRIC COMPANY THE FAIR MARKET VALUE OF THE STREET
 31 LIGHTING EQUIPMENT.

1 (D) A LOCAL GOVERNMENT THAT PURCHASES THE STREET LIGHTING
 2 EQUIPMENT IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION SHALL BE
 3 RESPONSIBLE FOR THE MAINTENANCE OF THE STREET LIGHTING EQUIPMENT
 4 AND MAY CONTRACT WITH AN OUTSIDE ENTITY FOR THE MAINTENANCE OF THE
 5 STREET LIGHTING EQUIPMENT.

6 (E) (1) ANY PERSON WHO CONTROLS THE RIGHT TO USE SPACE ON
 7 ANY POLE, LAMPOST, OR OTHER MOUNTING SURFACE PREVIOUSLY USED IN
 8 THE LOCAL JURISDICTION BY THE ELECTRIC COMPANY FOR STREET LIGHTING
 9 EQUIPMENT SHALL ALLOW A LOCAL GOVERNMENT THAT HAS PURCHASED THE
 10 STREET LIGHTING EQUIPMENT TO ASSUME THE RIGHTS AND OBLIGATIONS OF
 11 THE ELECTRIC COMPANY WITH RESPECT TO THE SPACE FOR THE UNEXPIRED
 12 TERM OF ANY LEASE OR OTHER AGREEMENT UNDER WHICH THE ELECTRIC
 13 COMPANY USED THE SPACE.

14 (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION,
 15 THE LOCAL GOVERNMENT MAY NOT RESTRICT OR PROHIBIT UNIVERSAL ACCESS
 16 FOR ELECTRICITY OR ANY OTHER SERVICE BY ASSUMING THE RIGHTS AND
 17 OBLIGATIONS OF AN ELECTRIC COMPANY AS TO SPACE ON ANY POLE,
 18 LAMPOST, OR OTHER MOUNTING SURFACE USED FOR STREET LIGHTING
 19 EQUIPMENT.

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

23 Article - Labor and Employment

24 6-102.

25 This title does not apply to:

26 (1) the maintenance or repair of an electric power plant or system that
 27 a private company or corporation owns or operates for production of electricity for its
 28 own use; ~~for~~

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

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

3 6-107.

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

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

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

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

16 (i) installing physical barriers to prevent physical contact with
 17 the high voltage line;

18 (ii) relocating the high voltage line; or

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

20 (B) IF A LOCAL GOVERNMENT THAT OWNS STREET LIGHTING
 21 EQUIPMENT PERFORMS MAINTENANCE THAT INVOLVES AN ACTIVITY LISTED IN
 22 § 6-106 OF THIS TITLE WITHIN 10 FEET OF A HIGH VOLTAGE LINE, THE PERSON
 23 RESPONSIBLE FOR PERFORMING THE ACTIVITY SHALL:

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

25 (2) BE QUALIFIED IN ACCORDANCE WITH THE QUALIFICATION
 26 STANDARDS DEFINED IN THE NATIONAL ELECTRIC SAFETY CODE.

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