

## CHAPTER 555

(House Bill 875)

AN ACT concerning

### Local Government – Street Lighting Equipment

FOR the purpose of authorizing a local government to purchase certain street lighting equipment from an electric company; requiring a local government to pay fair market value for the purchase of certain street lighting equipment; providing that a local government that purchases certain street lighting equipment is responsible for the maintenance of the street lighting equipment and may contract with an outside entity for the maintenance of the street lighting equipment; requiring a person that controls the right to use space on certain poles, lampposts, or other mounting surfaces to allow a certain local government to assume the rights and obligations of an electric company under certain circumstances; prohibiting a local government from restricting or prohibiting universal access for electricity or any other service under certain circumstances; ~~providing that certain provisions of law regarding high voltage lines do not apply to the maintenance of street lighting equipment under certain circumstances~~ requiring that certain disputes between an electric company and a local government be submitted to the Public Service Commission for resolution; providing that certain requirements applicable to a person performing certain activities in proximity to a high voltage line do not apply to a local government performing maintenance on street lighting equipment owned by the local government; requiring a person who performs certain maintenance on street lighting equipment owned by a local government to comply with certain safety standards; defining a certain term; and generally relating to street lighting equipment.

BY adding to

Article 24 – Political Subdivisions – Miscellaneous Provisions

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

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – Labor and Employment

Section 6–106

Annotated Code of Maryland

(1999 Replacement Volume and 2006 Supplement)

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

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

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

**TITLE 5. STREET LIGHTING EQUIPMENT.**

**5-101.**

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

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

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

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

(E) (1) ANY PERSON WHO CONTROLS THE RIGHT TO USE SPACE ON ANY POLE, LAMPOST, OR OTHER MOUNTING SURFACE PREVIOUSLY USED IN THE LOCAL JURISDICTION BY THE ELECTRIC COMPANY FOR STREET LIGHTING

EQUIPMENT SHALL ALLOW A LOCAL GOVERNMENT THAT HAS PURCHASED THE STREET LIGHTING EQUIPMENT TO ASSUME THE RIGHTS AND OBLIGATIONS OF THE ELECTRIC COMPANY WITH RESPECT TO THE SPACE FOR THE UNEXPIRED TERM OF ANY LEASE OR OTHER AGREEMENT UNDER WHICH THE ELECTRIC COMPANY USED THE SPACE.

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

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

**Article - Labor and Employment**

~~6-102.~~

~~This title does not apply to:~~

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

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

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

6-106.

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

- (1) moving all or any part of a building or other structure;
- (2) trimming a tree or doing any similar activity; or
- (3) erecting, operating, storing, transporting, or otherwise handling any object, including:
  - (i) an antenna;
  - (ii) an antenna support;
  - (iii) equipment;
  - (iv) a flagpole;
  - (v) machinery;
  - (vi) material;
  - (vii) tools; or
  - (viii) other apparatus.

6-107.

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

- (1) promptly notify the owner or operator of the high voltage line of the activity to be performed;
- (2) make any appropriate arrangements with the owner or operator of the high voltage line to carry out any safety measures required by item (3) of this ~~section~~ SUBSECTION; and
- (3) with any necessary cooperation from and subject to any necessary agreement with the owner or operator of the high voltage line, ensure that the high voltage line has been effectively guarded against accidental contact by:

- (i) installing physical barriers to prevent physical contact with the high voltage line;
- (ii) relocating the high voltage line; or
- (iii) de-energizing and grounding the high voltage line.

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

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

- (I) COMPLY WITH THE NATIONAL ELECTRIC SAFETY CODE;**
- AND**
- (II) BE QUALIFIED AS DEFINED IN THE NATIONAL ELECTRIC SAFETY CODE.**

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

**Approved by the Governor, May 17, 2007.**