

Article - Transportation

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§8–506.

(a) (1) In this section the following words have the meanings indicated.

(2) “Publicly owned utility” means a utility owned or operated by a political subdivision of this State or by a public agency created under the laws of this State.

(3) “Relocate” includes realign, raise, lower, rebuild, or remove.

(b) (1) Except as provided in paragraph (2) of this subsection, if, as a result of the construction, reconstruction, or improvement of an interstate highway, it is necessary to relocate any facility of a publicly owned utility, the Administration shall pay to the owner of the facility, without regard to the governmental function of the utility, the cost to the utility of the relocation, less any increase in the value of the new facility and the salvage value of the old facility.

(2) The Administration is required to make this payment for relocation only:

(i) If federal funds are available to this State under §§ 108 (e) and 111 of the Federal-Aid Highway Act of 1956 for reimbursement of all or part of the payment; and

(ii) If the payment otherwise would be required for relocation of a facility of a nonpublicly owned utility.

(c) The regulations and orders of the Administration:

(1) May not prohibit or be construed to constitute a contract prohibiting any payment required by this section; and

(2) Are expressly waived to the extent necessary to authorize any payment required by this section.

(d) This section does not relieve the owner of any utility from any legal or contractual obligation to comply promptly with any order or request of the Administration to perform the work necessary to relocate its facilities.

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