

HOUSE BILL 1356

L3, L5

7lr2428

By: **Delegates Gilchrist, Healey, Hixson, Moon, Platt, Robinson, and Sanchez**
Introduced and read first time: February 10, 2017
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission – Entry Into Public Roadways –**
3 **Regulations by Municipal Corporations**

4 FOR the purpose of authorizing the governing body of a municipal corporation to adopt
5 regulations concerning the Washington Suburban Sanitary Commission's entry into
6 or use of certain public roadways; requiring that the regulations be adopted after
7 consultation with the Commission; authorizing the regulations to contain certain
8 provisions relating to the review and approval of certain required permits;
9 prohibiting the regulations from being administered in a certain manner, divesting
10 the Commission of certain rights, or prohibiting the Commission from installing a
11 facility in a certain roadway; prohibiting the regulations from being inconsistent
12 with certain laws; prohibiting a certain review and approval procedure from
13 resulting in any cost to the Commission; providing that a certain permit is not
14 effective unless approved by a certain municipal corporation under certain
15 circumstances; requiring the Commission to give certain advance notice to a certain
16 municipal corporation under certain circumstances; requiring the Commission to
17 submit certain proposed construction plans to a certain municipal corporation and
18 apply for and obtain a certain permit under certain circumstances; providing for the
19 prompt processing of a certain permit application; requiring the Commission to
20 notify a certain municipal corporation of certain emergency work as soon as is
21 practicable; authorizing a municipal corporation to make certain repairs and charge
22 certain costs to the Commission under certain circumstances; and generally relating
23 to regulations adopted by a municipal corporation regarding the entry into and use
24 of a public roadway by the Washington Suburban Sanitary Commission.

25 BY repealing and reenacting, with amendments,
26 Article – Public Utilities
27 Section 27–102
28 Annotated Code of Maryland
29 (2010 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

3 **Article – Public Utilities**

4 27–102.

5 (a) **[In] THE GOVERNING BODY OF A MUNICIPAL CORPORATION OR, IN**
6 Montgomery County and Prince George’s County, the county executive and county council
7 may adopt regulations concerning the Commission’s entry into or use of a public roadway
8 for which a permit is required.

9 (b) The regulations adopted under this section:

10 (1) shall be adopted after consultation with the Commission;

11 (2) may include provisions for the review and approval of the required
12 permits to be issued by the Commission under § 27–108 of this title for the construction or
13 location of pipes, conduits, tracks, lines, poles, or facilities of a public utility in the public
14 roadways of the county **OR MUNICIPAL CORPORATION**;

15 (3) subject to reasonable provisions for control by the county **OR**
16 **MUNICIPAL CORPORATION** of the construction, disturbing, or repair of the public
17 roadway, may not:

18 (i) be administered so as to constitute a taking of a franchise right
19 that a public service company or a utility company has in a public roadway; and

20 (ii) divest the Commission of its right to use a public roadway for the
21 installation of a Commission facility;

22 (4) subject to this title, may not prohibit the installation in a public
23 roadway of a facility being constructed by the Commission to provide service to the sanitary
24 district in **[the other] ANOTHER** county **OR MUNICIPAL CORPORATION**; and

25 (5) may not be inconsistent with this title.

26 (c) (1) The review and approval procedures authorized by subsection (b)(2) of
27 this section:

28 (i) may require review and approval by the county **OR MUNICIPAL**
29 **CORPORATION** before the Commission issues the permit; and

30 (ii) may not result in any cost to the Commission or to the public
31 utility.

1 (2) A permit issued by the Commission under § 27–108 of this title is not
2 effective unless the appropriate county **OR MUNICIPAL CORPORATION** approves the
3 permit.

4 (d) (1) The Commission:

5 (i) shall give a county **OR MUNICIPAL CORPORATION** advance
6 notice of the date, time, and extent to which the Commission plans to cut into a public
7 roadway, sidewalk, or other public property of the county **OR MUNICIPAL CORPORATION**;
8 and

9 (ii) if required by a regulation adopted under this section, shall:

10 1. submit a copy of proposed construction plans to the county
11 **OR MUNICIPAL CORPORATION** before construction begins; and

12 2. apply for and obtain a permit from the county **OR**
13 **MUNICIPAL CORPORATION** at no cost to the Commission.

14 (2) The county **OR MUNICIPAL CORPORATION** shall promptly process the
15 Commission's permit application.

16 (3) The issuance of a permit under this section constitutes approval of the
17 Commission's proposed construction as specified in the permit.

18 (4) If the construction under this section is an emergency, the Commission
19 shall notify the appropriate county **OR MUNICIPAL CORPORATION** as soon as practicable
20 after the cut.

21 (e) On prior notice, the county **OR MUNICIPAL CORPORATION** may:

22 (1) make all necessary final repairs to restore property to a condition
23 satisfactory to the county **OR MUNICIPAL CORPORATION**; and

24 (2) charge all costs for the final repairs to the Commission or to the public
25 utility that made the entry on the property.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2017.