
By: **Senators Grosfeld, Britt, Forehand, Frosh, Garagiola, Hogan, Pinsky, Ruben, and Teitelbaum**

Introduced and read first time: January 26, 2006

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 28, 2006

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, lamp posts, or other mounting surfaces to allow a certain local
 11 government to assume the rights and obligations of an electric company under
 12 certain circumstances; prohibiting a local government from restricting or
 13 prohibiting universal access for electricity or any other service under certain
 14 circumstances; providing that certain provisions of law regarding high voltage
 15 lines do not apply to the maintenance of street lighting equipment under certain
 16 circumstances; defining a certain term; and generally relating to street lighting
 17 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)

23 BY repealing and reenacting, with amendments,

24 Article - Labor and Employment

1 Section 6-102
2 Annotated Code of Maryland
3 (1999 Replacement Volume and 2005 Supplement)

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

6 **Article 24 - Political Subdivisions - Miscellaneous Provisions**

7 TITLE 5. STREET LIGHTING EQUIPMENT.

8 5-101.

9 (A) IN THIS SECTION, "ELECTRIC COMPANY" HAS THE SAME MEANING AS
10 PROVIDED IN § 1-101 OF THE PUBLIC UTILITY COMPANIES ARTICLE.

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

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

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

24 (E) (1) ANY PERSON WHO CONTROLS THE RIGHT TO USE SPACE ON ANY
25 POLE, LAMP POST, OR OTHER MOUNTING SURFACE PREVIOUSLY USED IN THE LOCAL
26 JURISDICTION BY THE ELECTRIC COMPANY FOR STREET LIGHTING EQUIPMENT
27 SHALL ALLOW A LOCAL GOVERNMENT THAT HAS PURCHASED THE STREET
28 LIGHTING EQUIPMENT TO ASSUME THE RIGHTS AND OBLIGATIONS OF THE
29 ELECTRIC COMPANY WITH RESPECT TO THE SPACE FOR THE UNEXPIRED TERM OF
30 ANY LEASE OR OTHER AGREEMENT UNDER WHICH THE ELECTRIC COMPANY USED
31 THE SPACE.

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

1

Article - Labor and Employment

2 6-102.

3 This title does not apply to:

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

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

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2006.