

HOUSE BILL 950

L6, C5
HB 459/23 – ECM

6lr3237

By: **Delegates Behler and Kaufman**

Introduced and read first time: February 5, 2026

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Public Utilities – Street Lighting Equipment – Acquisitions and Reporting**
3 **(County and Municipal Street Lighting Investment Act)**

4 FOR the purpose of authorizing a certain county or municipality to acquire certain street
5 lighting equipment by purchase or condemnation, convert its street lighting service
6 to a customer-owned street lighting tariff, enter into an agreement to purchase
7 electricity, and contract with an electric company for the maintenance of the street
8 lighting equipment; authorizing certain disputes to be submitted to the Public
9 Service Commission for resolution; and generally relating to the purchase of street
10 lighting equipment by a county or municipality from an electric company and tariffs
11 for street lighting.

12 BY repealing and reenacting, with amendments,
13 Article – Local Government
14 Section 1–1309
15 Annotated Code of Maryland
16 (2013 Volume and 2025 Supplement)

17 BY adding to
18 Article – Public Utilities
19 Section 4–215
20 Annotated Code of Maryland
21 (2025 Replacement Volume and 2025 Supplement)

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

24 **Article – Local Government**

25 1–1309.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) (1) In this section[, “electric”] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ELECTRIC company” has the meaning stated in § 1–101 of the Public Utilities Article.

(3) “MAKE READY WORK” MEANS ANY STREET LIGHTING EQUIPMENT INFRASTRUCTURE MODIFICATIONS:

(I) REQUIRED TO FACILITATE A TRANSFER OF STREET LIGHTING EQUIPMENT FROM AN ELECTRIC COMPANY TO A COUNTY OR MUNICIPALITY; AND

(II) THAT COMPLY WITH ALL APPLICABLE SAFETY AND ELECTRIC CODES.

(4) “NET BOOK VALUE” MEANS THE NET BOOK VALUE OF THE PROPERTY, CALCULATED USING FEDERAL ENERGY REGULATORY COMMISSION (FERC) ACCOUNTING METHODS, AND NOT USING METHODS OTHER THAN THOSE USED FOR STANDARD RATE SETTING, AS THE ORIGINAL COST OF THE PROPERTY, LESS DEPRECIATION AND ANY CONTRIBUTION ALREADY PAID TO AN ELECTRIC COMPANY BY A COUNTY OR MUNICIPALITY FOR ACTIVITIES ASSOCIATED WITH THE INSTALLATION OF STREET LIGHTING EQUIPMENT, OF ANY ACTIVE OR INACTIVE EXISTING STREET LIGHTING EQUIPMENT INSTALLED IN THE COUNTY OR MUNICIPALITY AS OF THE DATE THE COUNTY OR MUNICIPALITY ENTERS INTO AN AGREEMENT TO PURCHASE THE PROPERTY, EXERCISES ITS RIGHT OF CONDEMNATION, OR REQUESTS THE REMOVAL OF THE EQUIPMENT.

(5) “STREET LIGHT SERVICE POINT” MEANS THE POINT OF INTERCONNECTION ON A STREET LIGHTING CIRCUIT WHERE OWNERSHIP CHANGES FROM AN ELECTRIC COMPANY TO A COUNTY OR MUNICIPALITY.

(6) (I) “STREET LIGHTING EQUIPMENT” MEANS ALL EQUIPMENT OWNED BY AN ELECTRIC COMPANY USED SOLELY TO LIGHT STREETS IN THE COUNTY OR MUNICIPALITY.

(II) “STREET LIGHTING EQUIPMENT” INCLUDES:

1. ALL CAPITAL EQUIPMENT AS DEFINED UNDER FERC ACCOUNT 373;

2. LIGHTING BALLASTS, LUMINAIRES, MAST ARMS, PHOTOCELLS, CIRCUITS AND EQUIPMENT FROM THE STREET LIGHT SERVICE POINT

1 TERMINATING AT THE LUMINAIRE, AND ANY OTHER EQUIPMENT NECESSARY FOR
2 THE CONVERSION OF ELECTRIC ENERGY INTO STREET LIGHTING;

3 3. DECORATIVE STREET AND AREA LIGHTING;

4 4. SOLID-STATE LED LAMPS;

5 5. INDUCTION LAMPS; AND

6 6. OLDER LAMP TYPES SUCH AS HIGH-PRESSURE
7 SODIUM, MERCURY VAPOR, METAL HALIDE, OR INCANDESCENT.

8 (III) "STREET LIGHTING EQUIPMENT" DOES NOT INCLUDE
9 JOINT-USE UTILITY POLES ON WHICH THE EQUIPMENT IS FIXED.

10 (B) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

11 (1) LOCAL GOVERNMENTS PAY ELECTRIC COMPANIES LARGE SUMS
12 EVERY YEAR TO LIGHT STREETS IN COUNTIES AND MUNICIPALITIES;

13 (2) COUNTIES AND MUNICIPALITIES ARE LIMITED IN HOW THIS
14 PUBLIC SAFETY RESOURCE CAN BE MANAGED BECAUSE THE COUNTIES AND
15 MUNICIPALITIES OFTEN DO NOT OWN OR CONTROL THE STREET LIGHTING
16 EQUIPMENT WITHIN THE JURISDICTIONS OF THE COUNTIES AND MUNICIPALITIES;

17 (3) EFFICIENCY UPGRADES TO STREET LIGHTING EQUIPMENT
18 PRESENT AN OPPORTUNITY FOR COMMUNITIES TO REDUCE THE CARBON
19 FOOTPRINT OF THE COMMUNITIES AND ADDRESS CLIMATE CHANGE THROUGH
20 EFFICIENCY UPGRADES;

21 (4) THERE IS OFTEN INSUFFICIENT INCENTIVE IN THE APPLICABLE
22 ELECTRIC RATE TARIFF FOR INSTALLING ENERGY EFFICIENT LIGHTING
23 TECHNOLOGIES THAT MAY REDUCE BOTH POWER AND MAINTENANCE EXPENSES;

24 (5) COUNTIES AND MUNICIPALITIES AROUND THE COUNTRY HAVE
25 SAVED CONSIDERABLE RESOURCES BY PURCHASING THE STREET LIGHTING
26 EQUIPMENT FROM ELECTRIC COMPANIES AND CONTRACTING FOR THE
27 MAINTENANCE INDEPENDENTLY; AND

28 (6) STREET LIGHTING COSTS SHOULD BE REDUCED AND SERVICE
29 SHOULD BE IMPROVED BY:

30 (I) IMPROVING PUBLIC SAFETY WITH STREET LIGHTS THAT

1 PROVIDE BETTER DURABILITY;

2 (II) REDUCING MAINTENANCE COSTS BY ALLOWING COUNTIES
3 AND MUNICIPALITIES TO OWN THE STREET AND AREA LIGHTING WITHIN THE
4 JURISDICTIONS OF THE COUNTIES AND MUNICIPALITIES AND TO ENTER INTO
5 REGIONAL MAINTENANCE SERVICE CONTRACTS;

6 (III) REDUCING WHOLE-SYSTEM COST THROUGH COUNTY OR
7 MUNICIPAL OWNERSHIP AND MAINTENANCE AND BY ADOPTING TARIFFS THAT
8 INCLUDE DISTRIBUTION SERVICE COSTS, THE COSTS OF ANY MAKE-READY WORK
9 PERFORMED BY AN ELECTRIC COMPANY, AND OPTIONAL ELECTRIC
10 COMPANY-PROVIDED MAINTENANCE AND REPAIR COSTS;

11 (IV) PROVIDING FOR THE USE OF INNOVATIVE TECHNOLOGIES
12 FOR MORE EFFICIENT LIGHTING; AND

13 (V) PROVIDING MORE RESPONSIVE SERVICE FOR LIGHTING
14 REPAIRS.

15 [(b)] (C) (1) [This] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
16 SUBSECTION, THIS section applies to all counties and municipalities.

17 (2) THIS SECTION DOES NOT APPLY TO STREET LIGHTING
18 EQUIPMENT OWNED BY A MUNICIPAL ELECTRIC UTILITY.

19 [(c) On written request by a county or municipality, an electric company shall sell
20 to the county or municipality some or all of the electric company's existing street lighting
21 equipment that is located in the county or municipality.]

22 (D) (1) AFTER GIVING WRITTEN NOTICE TO THE ELECTRIC COMPANY AND
23 THE PUBLIC SERVICE COMMISSION, A COUNTY OR MUNICIPALITY THAT RECEIVES
24 STREET LIGHTING SERVICE FROM AN ELECTRIC COMPANY IN ACCORDANCE WITH A
25 TARIFF PROVIDING FOR THE USE BY THE COUNTY OR MUNICIPALITY OF STREET
26 LIGHTING EQUIPMENT OWNED BY THE ELECTRIC COMPANY MAY:

27 (I) SUBMIT A REQUEST TO ACQUIRE THE STREET LIGHTING
28 EQUIPMENT FROM THE ELECTRIC COMPANY AT SOME OR ALL LOCATIONS WITHIN
29 THE COUNTY OR MUNICIPALITY;

30 (II) AFTER ACQUISITION, CONVERT ITS STREET LIGHTING
31 SERVICE TO A CUSTOMER-OWNED STREET LIGHTING TARIFF SET IN ACCORDANCE
32 WITH § 4-215 OF THE PUBLIC UTILITIES ARTICLE; AND

33 (III) ENTER INTO AN AGREEMENT TO PURCHASE ELECTRICITY

1 FROM A RETAIL SUPPLIER LICENSED UNDER § 7-507 OF THE PUBLIC UTILITIES
2 ARTICLE OR THE ELECTRIC COMPANY.

3 (2) IF THE COUNTY OR MUNICIPALITY AND THE ELECTRIC COMPANY
4 FAIL TO AGREE ON THE PURCHASE PRICE OR CONDITIONS OF PURCHASE OF THE
5 STREET LIGHTING EQUIPMENT, THE COUNTY OR MUNICIPALITY MAY ACQUIRE THE
6 EQUIPMENT BY CONDEMNATION IN ACCORDANCE WITH TITLE 12 OF THE REAL
7 PROPERTY ARTICLE.

8 [(d)] (E) If the county or municipality [purchases] ACQUIRES street lighting
9 equipment from an electric company AND CONVERTS THE STREET LIGHTING SERVICE
10 TO A CUSTOMER-OWNED STREET LIGHTING TARIFF IN ACCORDANCE WITH
11 SUBSECTION (D) OF THIS SECTION, the county or municipality shall pay to the electric
12 company the [fair market] NET BOOK value of the street lighting equipment AND THE
13 COST OF ALL MAKE-READY WORK PERFORMED BY THE ELECTRIC COMPANY.

14 [(e)] (F) A county or municipality that [purchases] ACQUIRES street lighting
15 equipment in accordance with SUBSECTION (D) OF this section:

16 (1) shall be responsible for the maintenance of the street lighting
17 equipment; [and]

18 (2) may contract with THE ELECTRIC COMPANY OR an outside entity for
19 the maintenance of the street lighting equipment; AND

20 (3) SHALL NOTIFY THE ELECTRIC COMPANY OF ANY CHANGE TO THE
21 COUNTY'S OR MUNICIPALITY'S STREET LIGHTING EQUIPMENT INVENTORY WITHIN
22 30 DAYS AFTER THE ALTERATION.

23 [(f)] (G) (1) Any person who controls the right to use space on any pole,
24 lamppost, or other mounting surface previously used in the county or municipality by the
25 electric company for street lighting equipment shall allow a county or municipality that
26 has purchased the street lighting equipment to assume the rights and obligations of the
27 electric company with respect to the space for the unexpired term of any lease or other
28 agreement under which the electric company used the space.

29 (2) Notwithstanding paragraph (1) of this subsection, the county or
30 municipality may not restrict or prohibit universal access for electricity or any other service
31 by assuming the rights and obligations of an electric company as to space on any pole,
32 lamppost, or other mounting surface used for street lighting equipment.

33 (H) ANY AGREEMENT OR CONTRACT FOR SALE OR LICENSE AGREEMENT
34 THAT APPLIES TO EQUIPMENT MOUNTED ON JOINT-USE POLES MAY NOT INCLUDE
35 ANY FEES OR OTHER COSTS NOT INCLUDED IN THE CUSTOMER-OWNED STREET
36 LIGHTING TARIFF UNDER § 4-215 OF THE PUBLIC UTILITIES ARTICLE.

(I) AN ELECTRIC COMPANY MAY NOT REQUIRE FROM A COUNTY OR MUNICIPALITY ACQUIRING STREET LIGHTING EQUIPMENT UNDER SUBSECTION (D) OF THIS SECTION:

(1) ANY PROTECTIONS OR INDEMNIFICATIONS; OR

(2) ANY STANDARDS THE ELECTRIC COMPANY DOES NOT CURRENTLY PROVIDE OR REQUIRE OF THE ELECTRIC COMPANY IN THE OPERATION AND MAINTENANCE OF STREET LIGHTING EQUIPMENT UNLESS REQUIRED BY STATE LAW OR REGULATION.

(J) ALL WORKERS EMPLOYED BY A COUNTY OR MUNICIPALITY TO OPERATE AND MAINTAIN STREET LIGHTING EQUIPMENT SHALL BE FULLY QUALIFIED AND MEET ANY FEDERAL AND STATE REQUIREMENTS.

~~[(3)]~~ (K) (1) [Any] EXCEPT AFTER A COUNTY OR MUNICIPALITY INITIATES A CONDEMNATION PROCEEDING, ANY dispute between an electric company and a county or municipality [arising under this subsection shall] REGARDING THE NET BOOK VALUE OF THE STREET LIGHTING EQUIPMENT OR ANY OTHER MATTER ARISING IN CONNECTION WITH THE ACQUISITION OF STREET LIGHTING EQUIPMENT IN ACCORDANCE WITH SUBSECTION (D)(1) OF THIS SECTION MAY be submitted to the Public Service Commission for resolution.

(2) A DISPUTE SUBMITTED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONSIDERED BY THE PUBLIC SERVICE COMMISSION IN ACCORDANCE WITH THE COMPLAINT PROCEDURES ESTABLISHED UNDER § 3-102 OF THE PUBLIC UTILITIES ARTICLE.

(L) IF STREET LIGHTING EQUIPMENT IS THE SUBJECT OF A CONDEMNATION PROCEEDING BROUGHT UNDER THIS SECTION, A JURY IN THE PROCEEDING SHALL DETERMINE THE NET BOOK VALUE AS PROVIDED FOR IN THIS SECTION.

Article – Public Utilities

4-215.

(A) IN THIS SECTION, “STREET LIGHTING EQUIPMENT” HAS THE MEANING STATED IN § 1-1309 OF THE LOCAL GOVERNMENT ARTICLE.

(B) THIS SECTION DOES NOT APPLY TO MUNICIPAL ELECTRIC UTILITIES.

(C) (1) ON OR BEFORE OCTOBER 1, 2026, EACH ELECTRIC COMPANY SHALL FILE WITH THE COMMISSION A CUSTOMER-OWNED STREET LIGHTING

1 TARIFF FOR STREET LIGHTING THAT INCLUDES ELECTRIC DISTRIBUTION SERVICE
2 COSTS AND THE COSTS OF ANY APPLICABLE MAKE-READY WORK PERFORMED BY
3 THE ELECTRIC COMPANY.

4 (2) (I) THE CUSTOMER-OWNED STREET LIGHTING TARIFF SHALL
5 PROVIDE FOR MONTHLY BILLS FOR STREET LIGHTING THAT SHALL INCLUDE A
6 SCHEDULE OF ELECTRICITY CHARGES BASED ON A DETERMINATION OF
7 KILOWATT-HOUR USAGE PER LUMEN RATING OR NOMINAL WATTAGE OF ALL TYPES
8 OF STREET LIGHTING EQUIPMENT BUT MAY NOT INCLUDE MANDATORY STREET
9 LIGHTING FACILITY, SUPPORT, REACTIVE OR PREVENTIVE MAINTENANCE, FIXED
10 MAINTENANCE, OR ACCESSORY CHARGES.

11 (II) THE DETERMINATION IN SUBPARAGRAPH (I) OF THIS
12 PARAGRAPH SHALL BE MADE:

13 1. IN ACCORDANCE WITH APPROVED METHODS OF
14 DETERMINATION FOR UNMETERED STREET LIGHTS; OR

15 2. BASED ON INFORMATION RECEIVED FROM LIGHTING
16 CONTROLS THAT MEASURE USAGE AND COMPLY WITH ANSI C12.20.5 STANDARDS
17 FOR ACCURACY.

18 (3) THE CUSTOMER-OWNED STREET LIGHTING TARIFF SHALL
19 PROVIDE FOR OPTIONS FOR VARIOUS STREET LIGHTING CONTROLS, INCLUDING:

20 (I) CONVENTIONAL DUSK/DAWN OPERATION USING
21 PHOTOCELL TECHNOLOGY OR SCHEDULING CONTROLS;

22 (II) SCHEDULE-BASED DIMMING OR ON/OFF CONTROLS THAT
23 DIM OR TURN OFF STREET LIGHTS DURING PERIODS OF LOW ACTIVITY; AND

24 (III) ACTUAL USAGE AS PROVIDED BY CONTROLS THAT PROVIDE
25 THAT INFORMATION AND COMPLY WITH ANSI C12.20.5 STANDARDS FOR
26 ACCURACY.

27 (D) AFTER RECEIVING A CUSTOMER-OWNED STREET LIGHTING TARIFF
28 FROM AN ELECTRIC COMPANY, THE COMMISSION SHALL ISSUE A DECISION
29 REGARDING THE ADOPTION OF THE CUSTOMER-OWNED STREET LIGHTING TARIFF.

30 (E) THE COMMISSION SHALL ISSUE A FINAL DETERMINATION ON A DISPUTE
31 REGARDING THE TERMS OF A CUSTOMER-OWNED STREET LIGHTING TARIFF
32 ADOPTED IN ACCORDANCE WITH THIS SECTION THAT IS SUBMITTED IN
33 ACCORDANCE WITH THE COMPLAINT PROCEDURES ESTABLISHED IN § 3-102 OF

1 **THIS ARTICLE.**

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
3 1, 2026.