
By: **Delegates Madaleno, Gutierrez, and Lawton**

Introduced and read first time: March 2, 2006

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

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
25 Section 6-102
26 Annotated Code of Maryland
27 (1999 Replacement Volume and 2005 Supplement)

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

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

2 TITLE 5. STREET LIGHTING EQUIPMENT.

3 5-101.

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

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

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

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

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

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

32 **Article - Labor and Employment**

33 6-102.

34 This title does not apply to:

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

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

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

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