

# HOUSE BILL 1356

L3, L5

7lr2428

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By: **Delegates Gilchrist, Healey, Hixson, Moon, Platt, Robinson, and Sanchez**

Introduced and read first time: February 10, 2017

Assigned to: Environment and Transportation

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## 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)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

**Article – Public Utilities**

27–102.

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

(b) The regulations adopted under this section:

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

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

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

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

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

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

(5) may not be inconsistent with this title.

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

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

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

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

(d) (1) The Commission:

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

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

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

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

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

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

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

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

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

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

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