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**AB-1119 Public utilities: municipal corporations: rights of way.** (2015-2016)

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**Assembly Bill No. 1119**

**CHAPTER 670**

An act to amend Sections 10103 and 10104 of, and to repeal Section 10105 of, the Public Utilities Code, relating to public utilities.

[ Approved by Governor October 09, 2015. Filed with Secretary of State October 09, 2015. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1119, Rendon. Public utilities: municipal corporations: rights of way.

Existing law grants to every municipal corporation the right to construct, operate, and maintain electric light and power lines across, along, in, under, over, or upon any road, street, alley, avenue, or highway, and across, under, or over any railway, canal, ditch, or flume which the route of the works intersects, crosses, or runs along. Under existing law, before any municipal corporation uses any street, alley, avenue, or highway within any other municipal corporation, it is required to request the other municipal corporation in which the street, alley, avenue, or highway is situated to agree with it upon the location of the use and the terms and conditions to which the use shall be subject. Under existing law, if the 2 municipal corporations are unable to agree on the terms and conditions and location of a use within 3 months after a proposal to do so, the municipal corporation proposing to use a street, alley, avenue, or highway is authorized to bring an action in the superior court against the other municipal corporation to have the terms and conditions and location determined, as prescribed.

This bill would require a municipal corporation, before using any street, alley, avenue, or highway within any other municipal corporation or county, to request of the municipal corporation or county that has control over the street, alley, avenue, or highway to agree with it upon the location of the use and the terms and conditions to which the use shall be subject. This bill would authorize the municipal corporation proposing to use the street, alley, avenue, or highway within a county to bring an action in the superior court against the county if the municipal corporation and the county are unable to agree on the terms and conditions and location of the use within 3 months after a proposal.

Existing law provides that a grant of authority from or agreement with another municipality is not necessary if the street, alley, avenue, or highway proposed to be used is a necessary or convenient part of the route of the proposed works and at the time construction was commenced or the plans adopted was located in unincorporated territory.

This bill would repeal these provisions.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 10103 of the Public Utilities Code is amended to read:

**10103.** Before any municipal corporation uses any street, alley, avenue, or highway within any other municipal corporation or county, it shall request of the municipal corporation or county that has control over the street, alley, avenue, or highway to agree with it upon the location of the use and the terms and conditions to which the use shall be subject.

**SEC. 2.** Section 10104 of the Public Utilities Code is amended to read:

**10104.** If the two municipal corporations, or a municipal corporation and a county, are unable to agree on the terms and conditions and location of a use within three months after a proposal to do so, the municipal corporation proposing to use a street, alley, avenue, or highway may bring an action in the superior court of the county in which the street, alley, avenue, or highway is situated against the other municipal corporation or the county to have the terms and conditions and location determined. The superior court may determine and adjudicate the terms and conditions to which the use of the street, avenue, alley, or highway shall be subject, and the location thereof, and upon the making of the final judgment the municipal corporation desiring to do so may enter and use the street, alley, avenue, or highway upon the terms and conditions and at the location specified in the judgment.

**SEC. 3.** Section 10105 of the Public Utilities Code is repealed.