

subtitle "~~Acceptance of federal funds,~~" "DUTIES AND POWERS," said new subsection to be known as Section 76 (6) and to follow immediately after Section 76 (5) of said Article, requiring the State Roads Commission under certain conditions to pay the cost of relocating or removing publicly owned utility facilities necessitated by the construction, reconstruction or improvement of State highways on the "National System of Interstate and Defense Highways" with Federal funds under the Federal-Aid Highway Act of 1956, such payment to be made to THE OWNER OF the utility required to relocate or remove such facilities; and to construe regulations, permits and orders of the State Roads Commission relating to such relocation or removal.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That a new subsection be and it is hereby added to Section 76 of Article 89B of the Annotated Code of Maryland (1957 Edition), title "State Roads," subtitle "~~Acceptance of federal funds,~~" "DUTIES AND POWERS," said new subsection to be known as Section 76 (6) to follow immediately after Section 76 (5) of said Article, and to read as follows:

76(6)

*Whenever it shall be necessary as a result of construction, reconstruction or improvement of any highway or highways within this State on the "National System of Interstate and Defense Highways" as defined in the Federal-Aid Highway Act of 1956, including necessary bridges, tunnels and all extensions of such highways, with Federal funds to the extent available under the said Federal-Aid Highway Act of 1956, to relocate, realign, raise, lower, rebuild or remove any publicly owned utility facilities, the State Roads Commission shall pay to THE OWNER OF such utility the entire amount paid by such utility properly attributable to such relocation, realignment, raising, lowering, rebuilding or removal after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility, provided Federal funds are available for reimbursement to the State of all or part of such payment in accordance with the provisions of Sections 108 (e) and 111 of the aforesaid Federal-Aid Highway Act of 1956. Nothing contained in the regulations, permits or orders heretofore or hereafter issued by the State Roads Commission shall be construed to prohibit or to constitute a contract prohibiting such payment, and any requirements of such regulations, permits or orders relating to such relocation, realignment, raising, lowering or rebuilding of utility facilities are hereby expressly waived to the extent necessary to authorize such payment, provided, however, that nothing herein contained shall be construed to relieve THE OWNER OF such utility from any obligation imposed upon it by law or contract to comply promptly with any order or request by the State Roads Commission to perform the work necessary to accomplish such relocation, realignment, raising, lowering, rebuilding, or removal of such utility facilities. As used herein, the term "publicly owned utility" shall mean a utility owned or operated by a county, municipality, commission, board, district or agency created under the laws of the State of Maryland.*