

SECTION 1. *Be it enacted by the General Assembly of Maryland, That a new subsection (7) be and it is hereby added to Section 76 of Article 89B of the Annotated Code of Maryland (1964 Replacement Volume), title "State Roads," subtitle "Duties and Powers," to follow immediately after subsection (6) thereof and to read as follows:*

76.

*(7) 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, to relocate, realign, raise, lower, rebuild or remove (hereinafter referred to collectively as "relocation") any publicly-owned utility facilities, and in such case federal funds are available for reimbursement to the State of all or part of the payment herein provided for in accordance with the provisions of Sections 108(e) and 111 of the aforesaid Federal-Aid Highway Act of 1956, the State Roads Commission shall pay without regard to the governmental function of any such publicly-owned utility the cost to it of such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility whenever such payment would otherwise be due. Nothing contained in the regulations 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 or orders relating to such relocation 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 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.*

SEC. 2. *And be it further enacted, That it is the intention of the General Assembly that the provisions of this Act shall be separable so that, if any portion thereof should fail for any reason, the remainder shall continue in effect.*

SEC. 3. *And be it further enacted, That this Act is hereby declared to be an emergency measure and necessary for the immediate preservation of the public health, safety and welfare and, having been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two houses of the General Assembly, the same shall take effect from the date of its passage.*

Approved April 21, 1967.

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CHAPTER 607

(House Bill 717)

AN ACT to repeal and re-enact, with amendments, Section 708(u) of Article 66C of the Annotated Code of Maryland (1957 Edition