

regulations; provided, that no regulation, permit or approval requirement established pursuant to authority conferred on Montgomery County hereby shall be administered so as to constitute a taking, in the constitutional sense, of any such franchise rights as public service corporations and utility companies may have in the public highways, streets, roads, ways or alleys, nor divest the commission of its right to use the public highways, streets, roads, ways or alleys for the installation of its facilities, all those rights being subject only to reasonable provisions for control by that county governing body of the construction, disturbing or repair of its public highways, streets, roads, ways and alleys. Whenever any state, county or municipal highway is to be disturbed the public authority having control thereof shall be duly notified, and such highway shall be repaired and left by the commission in the same, or a not inferior, condition to that existing before being torn up, and all cost incident thereto shall be borne by the commission. The Montgomery County governing body, as it may at any time be constituted by law, is authorized to formulate and adopt reasonable regulations with respect to the commission's entry into or utilization of any of its highways, streets, roads or alleys with respect to which a permit is required as above stated, with such regulations being not inconsistent with the provisions of this section and formulated after consultation with the commission. The commission shall notify the county in advance of the day, time, and extent to which it proposes to cut into any street, road, alley, sidewalk or other public property of that county, and as may be required by any regulation adopted hereunder, submit to the county, prior to such construction, a copy of its proposed construction plan and apply thereby for, and obtain a permit from the county, at no cost to the commission, and the application for permit shall be promptly processed and when issued shall constitute the county's approval for the commission's proposed construction as specified in the permit, except that when such cut shall be of emergent necessity then the notice and the permit information shall be given to the county as soon thereafter as practicable. No regulation may prohibit the installation in a street, road, highway, or alley of a facility which is being constructed by the commission to provide service to any portion of the other county in the sanitary district, but the requirements of a permit and the provisions of reasonable regulations which are formulated and adopted as herein provided may be made applicable to such installations. Further, Montgomery County may include in its regulations, formulated as above specified, provisions for its review and approval, at no cost to the public utilities or the commission prior to the issuance by the commission, of a permit under sections [83-103 (71-53) and 83-107 (71-57)] 10-2 AND 10-3 of this [subtitle] ARTICLE for the construction or location of pipes, conduits, tracks, lines, poles or facilities of any public utility in those streets, roads, highways or alleys of Montgomery County with respect to which the commission is to obtain a permit for its facilities under the foregoing provisions of this