

**ASSEMBLY BILL**

**No. 1119**

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**Introduced by Assembly Member Rendon**

February 27, 2015

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An act to amend Section 10103 of, to add Section 10101.5 to, and to repeal Section 10105 of, the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1119, as introduced, 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.

This bill would specify that for these purposes the terms “municipal corporation” and “municipality” include a county. This bill would require a municipal corporation, before using any street, alley, avenue, or highway within any other municipal corporation, to request of the municipal corporation 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.

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. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 10101.5 is added to the Public Utilities  
2 Code, to read:  
3 10101.5. For purposes of this article, the terms “municipal  
4 corporation” and “municipality” include a county.  
5 SEC. 2. Section 10103 of the Public Utilities Code is amended  
6 to read:  
7 10103. Before any municipal corporation uses any street, alley,  
8 avenue, or highway within any other municipal corporation, it  
9 shall request *of the municipal corporation in which that has control*  
10 *over the street, alley, avenue, or highway is situated* to agree with  
11 it upon the location of the use and the terms and conditions to  
12 which the use shall be subject.  
13 SEC. 3. Section 10105 of the Public Utilities Code is repealed.  
14 ~~10105. A grant of authority from or agreement with another~~  
15 ~~municipality is not necessary in any case where the street, alley,~~  
16 ~~avenue, or highway, or portion thereof, proposed to be used is a~~  
17 ~~necessary or convenient part of the route of the proposed works~~  
18 ~~and at the time construction was commenced or the plans adopted~~  
19 ~~was located in unincorporated territory. This section is not~~  
20 ~~applicable if the street, alley, avenue, or highway, or portion~~  
21 ~~thereof, was located in incorporated territory prior to May 5, 1933.~~

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