

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 997**  
Final Reading

Introduced by Wightman, 36.

Read first time January 17, 2012

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to power lines; to amend sections 48-436, 48-437,  
2 48-438, and 60-6,299, Reissue Revised Statutes of  
3 Nebraska, and section 60-6,298, Revised Statutes  
4 Supplement, 2011; to change provisions relating to high  
5 voltage conductor safety and certain permits issued for  
6 operation of oversized vehicles and loads; to harmonize  
7 provisions; and to repeal the original sections.  
8 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 48-436, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   48-436 ~~As used in~~ For purposes of sections 48-436 to  
4 48-442, unless the context otherwise requires:

5                   (1) High voltage ~~shall mean~~ means a voltage in excess of  
6 ~~seven hundred fifty six hundred~~ volts, measured between conductors,  
7 or measured between the conductor and the ground; and

8                   (2) Authorized and qualified persons ~~shall include~~  
9 includes employees of any electric utility, public power district, or  
10 public power and irrigation district with respect to the electrical  
11 systems of such utilities, employees of communications utilities,  
12 common carriers engaged in interstate commerce, state, county, or  
13 municipal agencies with respect to work relating to their facilities  
14 on the poles or structures of an electric utility or railway  
15 transportation system, employees of a railway transportation system  
16 or a metropolitan utilities district engaged in the normal operation  
17 of such system, and employees of a contractor with respect to work  
18 under his or her supervision when such work is being performed under  
19 contract for, or as an agent of, the owner of the above utilities,  
20 companies, or agencies, so long as all such persons meet the  
21 requirements for working near overhead high voltage conductors as  
22 provided in 29 C.F.R. 1910.269(a)(2)(ii) through 1910.269(a)(3), as  
23 such regulations existed on the effective date of this act.

24                   Sec. 2. Section 48-437, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

1           48-437 (1) No person, firm, or corporation, or agent of  
2 ~~the same, such person, firm, or corporation,~~ shall require or permit  
3 any employee, except an authorized and qualified person, to perform  
4 and no person, except an authorized and qualified person, shall  
5 perform any function within the distances from overhead high voltage  
6 conductors prohibited by sections 48-436 to 48-442; or enter upon any  
7 land, building, or other premises, and there to engage in any  
8 excavation, demolition, construction, repair, or other operations, or  
9 to erect, install, operate, or store in or upon such premises any  
10 tools, machinery, equipment, materials, or structures, including  
11 house-moving, well-drilling, pile-driving, or hoisting equipment,  
12 within the distances from overhead high voltage conductors prohibited  
13 by sections 48-436 to 48-442, unless and until danger from accidental  
14 contact with such high voltage conductors has been effectively  
15 guarded against in the manner prescribed in sections 48-436 to  
16 48-442.

17           (2) No person except an authorized and qualified person  
18 shall manipulate overhead high voltage conductors or other  
19 components, including the poles and other structures, of an electric  
20 utility. Under no circumstances shall an authorized and qualified  
21 person work on the electrical system of an electric utility that he  
22 or she is not employed by unless written authorization has been  
23 obtained from such electric utility. This subsection shall not be  
24 construed to apply to activities performed by an authorized and  
25 qualified person employed by an electric utility on the electrical

1 system of another electric utility when the nonowning or nonoperating  
2 electric utility has a written agreement with the owning and  
3 operating electric utility (a) providing for the joint use of or  
4 interconnection of the electrical systems of both the electric  
5 utilities or (b) approving authorized and qualified persons employed  
6 by the nonowning or nonoperating electric utility to work on the  
7 electrical system of the owning or operating electric utility on an  
8 ongoing basis.

9           Sec. 3. Section 48-438, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           48-438 (1) Except as provided in subsections (2) and (3)  
12 of this section, the operation or erection of any tools, machinery,  
13 or equipment, or any part thereof capable of vertical, lateral, or  
14 swinging motion, or ÷ the handling or storage of any supplies,  
15 materials, or apparatus or the moving of any house or other building,  
16 or any part thereof, under, over, by, or near overhead high voltage  
17 conductors, shall be prohibited if, at any time during such  
18 operation, or other manipulation, it is possible to bring such  
19 equipment, tools, materials, building, or any part thereof within ten  
20 feet of such overhead high voltage conductors, ÷ ~~Provided, that the~~  
21 ~~minimum distance required for cranes or other boom type equipment in~~  
22 ~~transit with no load and with raiseable portions lowered shall be~~  
23 ~~four feet,~~ except where such high voltage conductors have been  
24 effectively guarded against danger from accidental contact, by  
25 either: any of the following:

1           (a) ~~The erection~~ Erection of mechanical barriers to  
2 prevent physical contact with high voltage conductors;

3           (b) Deenergizing of the high voltage conductors and  
4 grounding where necessary; or

5           (c) Temporary relocation of overhead high voltage  
6 conductors, ~~which relocation shall be performed by the owner or~~  
7 ~~operator of the overhead power conductors.~~

8           (2) The minimum distance required by this section for  
9 cranes or other boom type equipment in transit with no load and with  
10 raiseable portions lowered shall be four feet.

11           (3) Nothing in sections 48-436 to 48-442 shall prohibit  
12 the moving of general farm equipment under high voltage conductors  
13 where clearances required by sections 48-436 to 48-442 are  
14 maintained.

15           (4) The activities performed as described in subdivisions  
16 (1)(a), (b), and (c) of this section shall be performed only by the  
17 owner or operator of the high voltage conductors unless written  
18 authorization has been obtained from such owner or operator. This  
19 subsection shall not be construed to apply to activities performed by  
20 an electric utility on high voltage conductors of another electric  
21 utility when the electric utilities have a written agreement (a)  
22 providing for joint use of poles or structures supporting the high  
23 voltage conductors of the electric utilities or (b) approving the  
24 nonowning electric utility's performance of the activities described  
25 in subdivisions (1)(a), (b), and (c) of this section on an ongoing

1 basis on the owning or operating electric utility's high voltage  
2 conductors.

3           Sec. 4. Section 60-6,298, Revised Statutes Supplement,  
4 2011, is amended to read:

5           60-6,298 (1)(a) The Department of Roads or the Nebraska  
6 State Patrol, with respect to highways under its jurisdiction  
7 including the National System of Interstate and Defense Highways, and  
8 local authorities, with respect to highways under their jurisdiction,  
9 may in their discretion upon application and good cause being shown  
10 therefor issue a special, continuing, or continuous permit in writing  
11 authorizing the applicant or his or her designee:

12           (i) To operate or move a vehicle, a combination of  
13 vehicles, or objects of a size or weight of vehicle or load exceeding  
14 the maximum specified by law when such permit is necessary:

15           (A) To further the national defense or the general  
16 welfare;

17           (B) To permit movement of cost-saving equipment to be  
18 used in highway or other public construction or in agricultural land  
19 treatment; or

20           (C) Because of an emergency, an unusual circumstance, or  
21 a very special situation;

22           (ii) To operate vehicles, for a distance up to one  
23 hundred twenty miles, loaded up to fifteen percent greater than the  
24 maximum weight specified by law, up to ten percent greater than the  
25 maximum length specified by law, except that for a truck-tractor

1 semitrailer trailer combination utilized to transport sugar beets  
2 which may be up to twenty-five percent greater than the maximum  
3 length specified by law, or both, when carrying grain or other  
4 seasonally harvested products from the field where such grain or  
5 products are harvested to storage, market, or stockpile in the field  
6 or from stockpile to market or factory when failure to move such  
7 grain or products in abundant quantities would cause an economic loss  
8 to the person or persons whose grain or products are being  
9 transported or when failure to move such grain or products in as  
10 large quantities as possible would not be in the best interests of  
11 the national defense or general welfare. The distance limitation may  
12 be waived for vehicles when carrying dry beans from the field where  
13 harvested to storage or market when dry beans are not normally  
14 stored, purchased, or used within the permittee's local area and must  
15 be transported more than one hundred twenty miles to an available  
16 marketing or storage destination. No permit shall authorize a weight  
17 greater than twenty thousand pounds on any single axle;

18 (iii) To transport an implement of husbandry which does  
19 not exceed twelve and one-half feet in width during daylight hours,  
20 except that the permit shall not allow transport on holidays;

21 (iv) To operate one or more recreational vehicles, as  
22 defined in section 71-4603, exceeding the maximum width specified by  
23 law if movement of the recreational vehicles is prior to retail sale  
24 and the recreational vehicles comply with subdivision (2)(k) of  
25 section 60-6,288; or

1           (v) To operate an emergency vehicle for purposes of sale,  
2 demonstration, exhibit, or delivery, if the applicant or his or her  
3 designee is a manufacturer or sales agent of the emergency vehicle.  
4 No permit shall be issued for an emergency vehicle which weighs over  
5 sixty thousand pounds on the tandem axle.

6           (b) No permit shall be issued under subdivision (a)(i) of  
7 this subsection for a vehicle carrying a load unless such vehicle is  
8 loaded with an object which exceeds the size or weight limitations,  
9 which cannot be dismantled or reduced in size or weight without great  
10 difficulty, and which of necessity must be moved over the highways to  
11 reach its intended destination. No permit shall be required for the  
12 temporary movement on highways other than dustless-surfaced state  
13 highways and for necessary access to points on such highways during  
14 daylight hours of cost-saving equipment to be used in highway or  
15 other public construction or in agricultural land treatment when such  
16 temporary movement is necessary and for a reasonable distance.

17           (2) The application for any such permit shall  
18 specifically describe the vehicle, the load to be operated or moved,  
19 whenever possible the particular highways for which permit to operate  
20 is requested, and whether such permit is requested for a single trip  
21 or for continuous or continuing operation. The permit shall include a  
22 signed affirmation under oath that, for any load sixteen feet high or  
23 higher, the applicant has contacted any and all electric utilities  
24 that have high voltage conductors and infrastructure that cross over  
25 the roadway affected by the move and made arrangements with such



1 electric utilities for the safe movement of the load under any high  
2 voltage conductors owned by such electric utilities.

3           (3) The department or local authority is authorized to  
4 issue or withhold such permit at its discretion or, if such permit is  
5 issued, to limit the number of days during which the permit is valid,  
6 to limit the number of trips, to establish seasonal or other time  
7 limitations within which the vehicles described may be operated on  
8 the highways indicated, or to issue a continuous or continuing permit  
9 for use on all highways, including the National System of Interstate  
10 and Defense Highways. The permits are subject to reasonable  
11 conditions as to periodic renewal of such permit and as to operation  
12 or movement of such vehicles. The department or local authority may  
13 otherwise limit or prescribe conditions of operation of such vehicle  
14 or vehicles, when necessary to assure against undue damage to the  
15 road foundations, surfaces, or structures or undue danger to the  
16 public safety. The department or local authority may require such  
17 undertaking or other security as may be deemed necessary to  
18 compensate for any injury to any roadway or road structure.

19           (4) Every such permit shall be carried in the vehicle to  
20 which it refers and shall be open to inspection by any peace officer,  
21 carrier enforcement officer, or authorized agent of any authority  
22 granting such permit. Each such permit shall state the maximum weight  
23 permissible on a single axle or combination of axles and the total  
24 gross weight allowed. No person shall violate any of the terms or  
25 conditions of such special permit. In case of any violation, the

1 permit shall be deemed automatically revoked and the penalty of the  
2 original limitations shall be applied unless:

3 (a) The violation consists solely of exceeding the size  
4 or weight specified by the permit, in which case only the penalty of  
5 the original size or weight limitation exceeded shall be applied; or

6 (b) The total gross load is within the maximum authorized  
7 by the permit, no axle is more than ten percent in excess of the  
8 maximum load for such axle or group of axles authorized by the  
9 permit, and such load can be shifted to meet the weight limitations  
10 of wheel and axle loads authorized by such permit. Such shift may be  
11 made without penalty if it is made at the state or commercial scale  
12 designated in the permit. The vehicle may travel from its point of  
13 origin to such designated scale without penalty, and a scale ticket  
14 from such scale, showing the vehicle to be properly loaded and within  
15 the gross and axle weights authorized by the permit, shall be  
16 reasonable evidence of compliance with the terms of the permit.

17 (5) The department or local authority issuing a permit as  
18 provided in this section may adopt and promulgate rules and  
19 regulations with respect to the issuance of permits provided for in  
20 this section.

21 (6) The department shall make available applications for  
22 permits authorized pursuant to subdivisions (1)(a)(ii) and (1)(a)  
23 (iii) of this section in the office of each county treasurer. The  
24 department may make available applications for all other permits  
25 authorized by this section to the office of the county treasurer and

1 may make available applications for all permits authorized by this  
2 section to any other location chosen by the department.

3 (7) The department or local authority issuing a permit  
4 may require a permit fee of not to exceed twenty-five dollars, except  
5 that:

6 (a) The fee for a continuous or continuing permit may not  
7 exceed twenty-five dollars for a ninety-day period, fifty dollars for  
8 a one-hundred-eighty-day period, or one hundred dollars for a one-  
9 year period; and

10 (b) The fee for permits issued pursuant to subdivision  
11 (1)(a)(ii) of this section shall be twenty-five dollars for a thirty-  
12 day permit and fifty dollars for a sixty-day permit. Permits issued  
13 pursuant to such subdivision shall be valid for thirty days or sixty  
14 days and shall be renewable for a total number of days not to exceed  
15 two hundred ten days per year.

16 A vehicle or combination of vehicles for which an  
17 application for a permit is requested pursuant to this section shall  
18 be registered under section 60-3,147 or 60-3,198 for the maximum  
19 gross vehicle weight that is permitted pursuant to section 60-6,294  
20 before a permit shall be issued.

21 Sec. 5. Section 60-6,299, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 60-6,299 (1) The Department of Roads may issue permits  
24 for vehicles moving a building or objects requiring specialized  
25 moving dollies. Such permits shall allow the vehicles transporting

1 buildings or objects requiring specialized dollies to operate on  
2 highways under the jurisdiction of the department, excluding any  
3 portion of the National System of Interstate and Defense Highways.  
4 Such permit shall specify the maximum allowable width, length,  
5 height, and weight of the building to be transported, the route to be  
6 used, and the hours during which such building or object may be  
7 transported. Any vehicle moving a building or object requiring  
8 specialized moving dollies shall be escorted by another vehicle or  
9 vehicles in the manner determined by the department. Such vehicles  
10 shall travel at a speed which is not in excess of five miles per hour  
11 when carrying loads which are in excess of the maximum gross weight  
12 specified by law by more than twenty-five percent. The permit shall  
13 not be issued for travel on a state highway containing a bridge or  
14 structure which is structurally inadequate to carry such building or  
15 object as determined by the department. The department may prescribe  
16 conditions of operation of such vehicle when necessary to assure  
17 against damage to the road foundations, surfaces, or structures and  
18 require such security as may be deemed necessary to compensate for  
19 any injury to any roadway or road structure.

20 (2) The application for any such permit shall (a)  
21 specifically describe the vehicle, (b) specifically describe the load  
22 to be moved, (c) include a signed affirmation under oath that, for  
23 any load sixteen feet high or higher, the applicant has contacted any  
24 and all electric utilities that have high voltage conductors and  
25 infrastructure that cross over the roadway affected by the move and

1 made arrangements with such electric utilities for the safe movement  
2 of the load under any high voltage conductors owned by such electric  
3 utilities, and (d) whenever possible, describe the particular  
4 highways for which the permit is requested. The company or individual  
5 shall maintain a copy of the permit in each vehicle moving a building  
6 or object requiring specialized moving dollies which shall be open to  
7 inspection by any peace officer, carrier enforcement officer, or  
8 authorized agent of any authority granting such permit. The fee for  
9 such permit shall be ten dollars.

10 (3) The department shall adopt and promulgate rules and  
11 regulations governing the issuance of the permits. Such rules and  
12 regulations shall include, but not be limited to, driver  
13 qualifications, equipment selection, hours of operation, weather  
14 conditions, road conditions, determination of any damage caused to  
15 highways or bridges, cutting or trimming of trees, removal or  
16 relocation of signs or other property of the state, raising or  
17 lowering of electric supply and communication lines, and such other  
18 safety considerations as the department deems necessary.

19 (4) Any person who violates the terms of a permit issued  
20 pursuant to this section or otherwise violates this section shall be  
21 guilty of a Class III misdemeanor.

22 Sec. 6. Original sections 48-436, 48-437, 48-438, and  
23 60-6,299, Reissue Revised Statutes of Nebraska, and section 60-6,298,  
24 Revised Statutes Supplement, 2011, are repealed.