

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 997

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; to change provisions relating to high voltage
- 4 conductor safety; and to repeal the original sections.
- 5 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 (a)
5 perform any function within the distances from overhead high voltage
6 conductors prohibited by sections 48-436 to 48-442, (b) ~~;- or~~ enter
7 upon any land, building, or other premises, ~~and there~~ to engage in
8 any excavation, demolition, construction, repair, or other
9 operations, or ~~to~~ (c) erect, install, operate, or store in or upon
10 such premises any tools, machinery, equipment, materials, or
11 structures, including house-moving, well-drilling, pile-driving, or
12 hoisting equipment, within the distances from overhead high voltage
13 conductors prohibited by sections 48-436 to 48-442, unless and until
14 danger from accidental contact with such high voltage conductors has
15 been effectively guarded against in the manner prescribed in sections
16 48-436 to 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.

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

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

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

18 (b) Deenergizing of the high voltage conductors and
19 grounding where necessary; or

20 (c) Temporary relocation of overhead high voltage
21 conductors., ~~which relocation shall be performed by the owner or~~
22 ~~operator of the overhead power conductors.~~

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

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

5 (4) The activities performed as described in subdivisions
6 (1)(a), (b), and (c) of this section shall be performed only by the
7 owner or operator of the high voltage conductors, unless written
8 authorization has been obtained from such owner or operator.

9 Sec. 4. Section 60-6,299, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 60-6,299 (1) The Department of Roads may issue permits
12 for vehicles moving a building or objects requiring specialized
13 moving dollies. Such permits shall allow the vehicles transporting
14 buildings or objects requiring specialized dollies to operate on
15 highways under the jurisdiction of the department, excluding any
16 portion of the National System of Interstate and Defense Highways.
17 Such permit shall specify the maximum allowable width, length,
18 height, and weight of the building to be transported, the route to be
19 used, and the hours during which such building or object may be
20 transported. Any vehicle moving a building or object requiring
21 specialized moving dollies shall be escorted by another vehicle or
22 vehicles in the manner determined by the department. Such vehicles
23 shall travel at a speed which is not in excess of five miles per hour
24 when carrying loads which are in excess of the maximum gross weight
25 specified by law by more than twenty-five percent. The permit shall

1 not be issued for travel on a state highway containing a bridge or
2 structure which is structurally inadequate to carry such building or
3 object as determined by the department. The department may prescribe
4 conditions of operation of such vehicle when necessary to assure
5 against damage to the road foundations, surfaces, or structures and
6 require such security as may be deemed necessary to compensate for
7 any injury to any roadway or road structure.

8 (2) The application for any such permit shall
9 specifically describe the vehicle, specifically describe the load to
10 be moved, include written proof that the electric utility responsible
11 for any high voltage conductors, poles, and other electric-related
12 infrastructure along the proposed route has been notified of the
13 move, and, whenever possible, describe the particular highways for
14 which the permit is requested. The company or individual shall
15 maintain a copy of the permit in each vehicle moving a building or
16 object requiring specialized moving dollies which shall be open to
17 inspection by any peace officer, carrier enforcement officer, or
18 authorized agent of any authority granting such permit. The fee for
19 such permit shall be ten dollars.

20 (3) The department shall adopt and promulgate rules and
21 regulations governing the issuance of the permits. Such rules and
22 regulations shall include, but not be limited to, driver
23 qualifications, equipment selection, hours of operation, weather
24 conditions, road conditions, determination of any damage caused to
25 highways or bridges, cutting or trimming of trees, removal or

1 relocation of signs or other property of the state, raising or
2 lowering of electric supply and communication lines, and such other
3 safety considerations as the department deems necessary.

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

7 Sec. 5. Original sections 48-436, 48-437, 48-438, and
8 60-6,299, Reissue Revised Statutes of Nebraska, are repealed.