

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 973

FINAL READING

Introduced by Smith, 14.

Read first time January 14, 2016

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to electric utilities; to amend section
2 48-442, Reissue Revised Statutes of Nebraska, and sections 48-437,
3 60-6,288.01, 60-6,291, and 60-6,299, Revised Statutes Cumulative
4 Supplement, 2014; to change penalties for prohibited acts relating
5 to high voltage lines and violation of certain permits and
6 notification requirements; to change notice and permit provisions
7 relating to moving certain buildings on a road or highway; to
8 harmonize provisions; and to repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-437, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

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

17 (2)(a) No person except an authorized and qualified person shall
18 manipulate overhead high voltage conductors or other components,
19 including the poles and other structures, of an electric utility. Under
20 no circumstances shall an authorized and qualified person work on the
21 electrical system of an electric utility that he or she is not employed
22 by unless written authorization has been obtained from such electric
23 utility. This subsection shall not be construed to apply to activities
24 performed by an authorized and qualified person employed by an electric
25 utility on the electrical system of another electric utility when the
26 nonowning or nonoperating electric utility has a written agreement with
27 the owning and operating electric utility (i) ~~(a)~~ providing for the joint
28 use of or interconnection of the electrical systems of both the electric
29 utilities or (ii) ~~(b)~~ approving authorized and qualified persons employed
30 by the nonowning or nonoperating electric utility to work on the
31 electrical system of the owning or operating electric utility on an

1 ongoing basis.

2 (b) Any person, firm, or corporation, or any employee thereof,
3 violating any provisions of this subsection shall be guilty of a Class II
4 misdemeanor.

5 Sec. 2. Section 48-442, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 48-442 Except as provided in subdivision (2)(b) of section 48-437,
8 any Any person, firm, or corporation, or any employee thereof, violating
9 any provisions of sections 48-436 to 48-442 shall be guilty of a Class V
10 misdemeanor. Each day's failure to comply with any of the provisions of
11 sections 48-436 to 48-442 shall constitute a separate violation.

12 Sec. 3. Section 60-6,288.01, Revised Statutes Cumulative Supplement,
13 2014, is amended to read:

14 60-6,288.01 (1) Any person moving a building or an object that, in
15 combination with the transporting vehicle, is over fifteen feet, six
16 inches high or wider than the roadway on a county or township road shall
17 notify the local authority and the electric utility responsible for the
18 infrastructure, including poles, wires, substations, and underground
19 residential distribution cable boxes adjacent to or crossing the roadway
20 along the route over which such building or object is being transported.
21 Notification shall be made at least ten days prior to the move.
22 Notification shall specifically describe the transporting vehicle, the
23 width, length, height, and weight of the building or object to be moved,
24 the route to be used, and the date and hours during which the building or
25 object will be transported. Complying with the notification requirement
26 of this section does not exempt the person from complying with any other
27 federal, state, or local authority permit or notification requirements.

28 (2) Proof of the notification required under subsection (1) of this
29 section must be carried by any person moving a building or an object as
30 described in this section.

31 (3) Any person who fails to comply with the notification

1 requirements of this section shall be guilty of a Class II misdemeanor.

2 Sec. 4. Section 60-6,291, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 60-6,291 Except as provided in subsection (3) of section
5 60-6,288.01, any Any person who violates any provision of sections
6 60-6,288 to 60-6,290 or who drives, moves, causes, or knowingly permits
7 to be moved on any highway any vehicle or vehicles which exceed the
8 limitations as to width, length, or height as provided in such sections
9 for which a penalty is not elsewhere provided shall be guilty of a Class
10 III misdemeanor.

11 Sec. 5. Section 60-6,299, Revised Statutes Cumulative Supplement,
12 2014, is amended to read:

13 60-6,299 (1) The Department of Roads may issue permits for vehicles
14 moving a building or objects requiring specialized moving dollies. Such
15 permits shall allow the vehicles transporting buildings or objects
16 requiring specialized dollies to operate on highways under the
17 jurisdiction of the department, excluding any portion of the National
18 System of Interstate and Defense Highways. Such permit shall specify the
19 maximum allowable width, length, height, and weight of the building to be
20 transported, the route to be used, and the hours during which such
21 building or object may be transported. Such permit shall clearly state
22 that the applicant is not authorized to manipulate overhead high voltage
23 lines or conductors or other such components, including electric utility
24 poles, and that the applicant shall be guilty of a Class II misdemeanor
25 for any violation of this section or of the notification requirements of
26 section 60-6,288.01. Any vehicle moving a building or object requiring
27 specialized moving dollies shall be escorted by another vehicle or
28 vehicles in the manner determined by the department. Such vehicles shall
29 travel at a speed which is not in excess of five miles per hour when
30 carrying loads which are in excess of the maximum gross weight specified
31 by law by more than twenty-five percent. The permit shall not be issued

1 for travel on a state highway containing a bridge or structure which is
2 structurally inadequate to carry such building or object as determined by
3 the department. The department may prescribe conditions of operation of
4 such vehicle when necessary to assure against damage to the road
5 foundations, surfaces, or structures and require such security as may be
6 deemed necessary to compensate for any injury to any roadway or road
7 structure.

8 (2) The application for any such permit shall (a) specifically
9 describe the vehicle, (b) specifically describe the load to be moved, (c)
10 include a signed affirmation under oath that, for any load sixteen feet
11 high or higher, the applicant has contacted any and all electric
12 utilities that have high voltage conductors and infrastructure that cross
13 over the roadway affected by the move and made arrangements with such
14 electric utilities for the safe movement of the load under any high
15 voltage conductors owned by such electric utilities, and (d) whenever
16 possible, describe the particular highways for which the permit is
17 requested. The company or individual shall maintain a copy of the permit
18 in each vehicle moving a building or object requiring specialized moving
19 dollies which shall be open to inspection by any peace officer, carrier
20 enforcement officer, or authorized agent of any authority granting such
21 permit. The fee for such permit shall be ten dollars.

22 (3) The department shall adopt and promulgate rules and regulations
23 governing the issuance of the permits. Such rules and regulations shall
24 include, but not be limited to, driver qualifications, equipment
25 selection, hours of operation, weather conditions, road conditions,
26 determination of any damage caused to highways or bridges, cutting or
27 trimming of trees, removal or relocation of signs or other property of
28 the state, raising or lowering of electric supply and communication
29 lines, and such other safety considerations as the department deems
30 necessary.

31 (4) Any person who violates the terms of a permit issued pursuant to

1 this section or otherwise violates this section shall be guilty of a
2 Class II ~~III~~ misdemeanor.

3 Sec. 6. Original section 48-442, Reissue Revised Statutes of
4 Nebraska, and sections 48-437, 60-6,288.01, 60-6,291, and 60-6,299,
5 Revised Statutes Cumulative Supplement, 2014, are repealed.