

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 973**

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, and 60-6,299, Revised Statutes Cumulative Supplement,  
4 2014; to change penalties for prohibited acts relating to high  
5 voltage lines and violation of certain permits; to change notice and  
6 permit provisions relating to moving certain buildings on a road or  
7 highway; and to repeal the original sections.  
8 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) 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 (a) providing for the joint use  
28 of or interconnection of the electrical systems of both the electric  
29 utilities or (b) approving authorized and qualified persons employed by  
30 the nonowning or nonoperating electric utility to work on the electrical  
31 system of the owning or operating electric utility on an ongoing basis.

1       (3) Any person, firm, or corporation, or any agent thereof who  
2 violates any provision of this section shall be guilty of a Class II  
3 misdemeanor.

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

6       48-442 Except as provided in subsection (3) of section 48-437, any  
7 Any person, firm, or corporation, or any employee thereof violating any  
8 provisions of sections 48-436 to 48-442 shall be guilty of a Class V  
9 misdemeanor. Each day's failure to comply with any of the provisions of  
10 sections 48-436 to 48-442 shall constitute a separate violation.

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

13       60-6,288.01 (1) Any person moving a building or an object that, in  
14 combination with the transporting vehicle, is over fifteen feet, six  
15 inches high or wider than the roadway on a county or township road shall  
16 notify the local authority and the electric utility responsible for the  
17 infrastructure, including poles, wires, substations, and underground  
18 residential distribution cable boxes adjacent to or crossing the roadway  
19 along the route over which such building or object is being transported.  
20 Notification shall be made at least ten days prior to the move.  
21 Notification shall specifically describe the transporting vehicle, the  
22 width, length, height, and weight of the building or object to be moved,  
23 the route to be used, and the date and hours during which the building or  
24 object will be transported. Complying with the notification requirement  
25 of this section does not exempt the person from complying with any other  
26 federal, state, or local authority permit or notification requirements.

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

30       (3) Any person who fails to comply with the notification  
31 requirements of this section shall be guilty of a Class II misdemeanor.

1           Sec. 4. Section 60-6,299, Revised Statutes Cumulative Supplement,  
2 2014, is amended to read:

3           60-6,299 (1) The Department of Roads may issue permits for vehicles  
4 moving a building or objects requiring specialized moving dollies. Such  
5 permits shall allow the vehicles transporting buildings or objects  
6 requiring specialized dollies to operate on highways under the  
7 jurisdiction of the department, excluding any portion of the National  
8 System of Interstate and Defense Highways. Such permit shall specify the  
9 maximum allowable width, length, height, and weight of the building to be  
10 transported, the route to be used, and the hours during which such  
11 building or object may be transported. Such permit shall clearly state  
12 that the applicant is not authorized to manipulate overhead high voltage  
13 lines or conductors or other such components, including electric utility  
14 poles, and that the applicant shall be guilty of a Class II misdemeanor  
15 for any violation of this section or of the notification requirements of  
16 section 60-6,288.01. Any vehicle moving a building or object requiring  
17 specialized moving dollies shall be escorted by another vehicle or  
18 vehicles in the manner determined by the department. Such vehicles shall  
19 travel at a speed which is not in excess of five miles per hour when  
20 carrying loads which are in excess of the maximum gross weight specified  
21 by law by more than twenty-five percent. The permit shall not be issued  
22 for travel on a state highway containing a bridge or structure which is  
23 structurally inadequate to carry such building or object as determined by  
24 the department. The department may prescribe conditions of operation of  
25 such vehicle when necessary to assure against damage to the road  
26 foundations, surfaces, or structures and require such security as may be  
27 deemed necessary to compensate for any injury to any roadway or road  
28 structure.

29           (2) The application for any such permit shall (a) specifically  
30 describe the vehicle, (b) specifically describe the load to be moved, (c)  
31 include a signed affirmation under oath that, for any load sixteen feet

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

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

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

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