

# VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

## CHAPTER 298

*An Act to amend and reenact §§ 59.1-408, 59.1-410, and 59.1-411 of the Code of Virginia, relating to trade and commerce; the Overhead High Voltage Line Safety Act.*

[H 1645]

Approved March 16, 1995

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 59.1-408, 59.1-410, and 59.1-411 of the Code of Virginia are amended and reenacted as follows:**

§ 59.1-408. Prohibited activities.

Unless danger of contact with overhead high voltage lines has been guarded against as provided by § 59.1-410:

1. No person shall, individually or through an agent or employee, perform, or require any other person to perform, any work or activity upon any land, building, highway or other premises that will cause (i) such agent, employee or other person to be placed within six feet (*1.8 meters*) of any overhead high voltage line; or (ii) any part of any tool or material used by the agent, employee or other person to be brought within six feet (*1.8 meters*) of any overhead high voltage line.

2. No person shall, individually or through an agent or employee or as an agent or employee, operate any covered equipment within ten feet (*3.1 meters*) of any overhead high voltage line *or such greater clearance as may be required under the circumstances by the occupational safety and health regulations adopted by the Safety and Health Codes Board pursuant to Chapter 3 (§ 40.1-22 et seq.) of Title 40.1 and enforced by the Commissioner of Labor and Industry*. This prohibition shall not apply, however, to covered equipment as defined herein when lawfully driven or transported on public streets and highways in compliance with the height restriction imposed by § 46.2-1110.

§ 59.1-410. Temporary safety arrangements.

A. When any person desires to carry on any work or activity in closer proximity to any overhead high voltage line than permitted by this chapter, the person responsible for the work to be done shall notify the owner or operator of the high voltage line in the manner prescribed in § 59.1-411 at least forty-eight hours, excluding Saturday, Sunday and legal state and federal holidays, or in emergency situations, including police, fire and rescue emergencies, as soon as possible under the circumstances, prior to the time work is to be commenced. The work shall be performed only after satisfactory mutual arrangements have been negotiated between the owner or the operator of the lines or both and the person responsible for the work to be done. The negotiations shall proceed promptly and in good faith with the goal of accommodating the requested work consistent with the owner's or operator's service needs and the duty to protect the public from the danger of overhead high voltage lines. The owner or operator of the lines shall initiate the agreed upon safety arrangements within five working days and shall complete the work promptly and without interruption, consistent with the owner's or operator's service needs. Arrangements may include (i) placement of temporary mechanical barriers separating and preventing contact between material, equipment, or persons and overhead high voltage lines, (ii) temporary de-energization and grounding, (iii) temporary relocation or raising of the lines, or (iv) other such measures found to be appropriate in the judgment of the owner or operator of the lines.

B. The actual expense incurred by any owner or operator of overhead high voltage lines in taking precautionary measures as set out in subsection A of this section, including the wages of its workers involved in making safety arrangements, shall be paid by the person responsible for the work to be done ~~except that~~ *subject to the following exceptions:*

1. In the case of property used for residential purposes, such actual expenses shall be limited to those in excess of \$1,000;

2. *Whenever any owner or operator of an overhead high voltage line has located its facilities within a public highway or street right-of-way and the work is performed by or for the Department of Transportation or a city, county or town, the actual expenses shall be the responsibility of the owner or operator of the overhead high voltage lines, unless the owner or operator can provide evidence of prior rights or there is a prior written agreement specifying cost responsibility; and*

3. *Whenever it is determined by the Department of Transportation or a city, county or town that the temporary safety arrangements are for the sole convenience of its contractor, the actual expense shall be the responsibility of the contractor.*

§ 59.1-411. Notification requirements.

A. Every notice served by any person on an owner or operator of an overhead high voltage line pursuant to § 59.1-410 shall contain the following information:

1. The name of the individual serving such notice;

2. The location of the proposed work;
3. The name, address and telephone number of the person responsible for the work;
4. The field telephone number at the site of such work, if one is available;
5. The type and extent of the proposed work;
6. The name of the person for whom the proposed work is being performed;
7. The time and date of the notice; and
8. The approximate date and time when the work is to begin.

B. If the notification required by this chapter is made by telephone, a record of such notification shall be maintained by the owner or operator notified and the person giving the notice to document compliance with the requirements of this chapter.

C. ~~To facilitate the notification required by this chapter, every owner and operator of overhead high voltage lines shall file with the clerk of the circuit court of each county and city in which its lines are located the address and telephone numbers of the person or office, in the Commonwealth, to whom all notifications concerning proposed work in that county or city should be directed. Such information shall be maintained by the clerk in his office in a manner to be determined at his discretion. The clerk of the circuit court with whom the information required by this section is filed shall be entitled to a fee of two dollars per page of any documents filed.~~