

VIRGINIA ACTS OF ASSEMBLY -- 1996 SESSION

CHAPTER 267

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

[H 818]

Approved March 19, 1996

Be it enacted by the General Assembly of Virginia:

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

§ 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 or a person 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.

C. When requested by a person, an owner or operator of a high voltage line shall provide within a reasonable period of time an estimate of the scope and cost of any required safety arrangements.

§ 59.1-411. Notification.

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.

To facilitate notification required by this chapter, every operator of overhead high voltage lines shall publish a phone number or numbers which, when called, will serve to provide initial notification of the need to arrange for the temporary safety arrangements pursuant to this chapter.