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## HOUSE BILL NO. 818

Offered January 22, 1996

*A BILL to amend and reenact §§ 59.1-407, 59.1-410 and 59.1-411 of the Code of Virginia, relating to the Overhead High Voltage Line Safety Act.*

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Patron—Watkins

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Referred to Committee on Corporations, Insurance and Banking

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

**1. That §§ 59.1-407, 59.1-410 and 59.1-411 of the Code of Virginia are amended and reenacted as follows:**

§ 59.1-407. Definitions.

As used in this chapter:

"Covered equipment" means any mechanical equipment or hoisting equipment, any part of which is capable of vertical, lateral or swinging motion that could cause the equipment to be operated within ten feet of an overhead high voltage line, including but not limited to cranes, derricks, power shovels, drilling rigs, excavating equipment, hay loaders, hay stackers, combines, grain augers and mechanical cotton pickers.

"Overhead high voltage line" means all above ground bare or insulated electrical conductors of voltage in excess of 600 volts measured between conductors or measured between a conductor and the ground, except those conductors that are de-energized and grounded or that are enclosed in rigid metallic conduit or flexible armored conduit.

"Person" means natural person, firm, business association, company, partnership, corporation or other legal entity.

"Person responsible for the work to be done" means the person ~~performing or controlling the job or activity creating or benefiting from the work, or his designated agent.~~

"Warning sign" means a weather-resistant sign of not less than five inches by seven inches with a yellow background and black lettering reading as follows: "WARNING — UNLAWFUL TO OPERATE THIS EQUIPMENT WITHIN TEN FEET OF OVERHEAD HIGH VOLTAGE LINES" or such other equally effective warning signs as may be approved for use by the Virginia Safety and Health Codes Board or the Commissioner of Labor and Industry.

§ 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. *When requested by an owner, an operator of a high voltage line shall provide, within ten working days, an estimate of the scope and cost of any required safety arrangements.* 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 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

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HB818

60 Transportation or a city, county or town, the actual expenses shall be the responsibility of the owner or  
61 operator of the overhead high voltage lines, unless the owner or operator can provide evidence of prior  
62 rights or there is a prior written agreement specifying cost responsibility; and

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

66 § 59.1-411. Notification.

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

69 1. The name of the individual serving such notice;

70 2. The location of the proposed work;

71 3. The name, address and telephone number of the person responsible for the work;

72 4. The field telephone number at the site of such work, if one is available;

73 5. The type and extent of the proposed work;

74 6. The name of the person for whom the proposed work is being performed;

75 7. The time and date of the notice; and

76 8. The approximate date and time when the work is to begin.

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

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