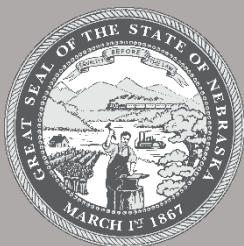


**NEBRASKA DEPARTMENT OF LABOR**

# HIGH VOLTAGE LAW

*Neb. Rev. Stat. §§48-436 to 48-442*



**PETE RICKETTS, GOVERNOR**

**JOHN H. ALBIN, COMMISSIONER**

[Current Through 2018 Legislature, Regular Session]

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**48-436. Terms, defined.** For purposes of sections 48-436 to 48-442, unless the context otherwise requires:

(1) High voltage means a voltage in excess of six hundred volts, measured between conductors, or measured between the conductor and the ground; and

(2) Authorized and qualified persons includes employees of any electric utility, public power district, or public power and irrigation district with respect to the electrical systems of such utilities, employees of communications utilities, common carriers engaged in interstate commerce, state, county, or municipal agencies with respect to work relating to their facilities on the poles or structures of an electric utility or railway transportation system, employees of a railway transportation system or a metropolitan utilities district engaged in the normal operation of such system, and employees of a contractor with respect to work under his or her supervision when such work is being performed under contract for, or as an agent of, the owner of the above utilities, companies, or agencies, so long as all such persons meet the requirements for working near overhead high voltage conductors as provided in 29 C.F.R. 1910.269(a)(2)(ii) through 1910.269(a)(3), as such regulations existed on July 19, 2012.

**Source:** Laws 1969, c. 390, § 1, p. 1370; Laws 2012, LB997, § 1.

**Effective Date:** July 19, 2012.

**48-437. High voltage lines; prohibited acts; penalty.**

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

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

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

**Source:** Laws 1969, c. 390, § 2, p. 1371; Laws 2012, LB997, § 2; Laws 2016, LB973, § 1.

**Effective Date:** July 21, 2016.

**48-438. High voltage lines; tools, equipment, materials, or buildings; operation, movement, or erection; use; conditions.**

(1) Except as provided in subsections (2) and (3) of this section, the operation or erection of any tools, machinery, or equipment, or any part thereof capable of vertical, lateral, or swinging motion, or the handling or storage of any supplies, materials, or apparatus or the moving of any house or other building, or any part thereof, under, over, by, or near overhead high voltage conductors, shall be prohibited if, at any time during

such operation or other manipulation, it is possible to bring such equipment, tools, materials, building, or any part thereof within ten feet of such overhead high voltage conductors, except where such high voltage conductors have been effectively guarded against danger from accidental contact, by any of the following:

- (a) Erection of mechanical barriers to prevent physical contact with high voltage conductors;
- (b) Deenergizing of the high voltage conductors and grounding where necessary; or
- (c) Temporary relocation of overhead high voltage conductors.

(2) The minimum distance required by this section for cranes or other boom type equipment in transit with no load and with raiseable portions lowered shall be four feet.

(3) Nothing in sections 48-436 to 48-442 shall prohibit the moving of general farm equipment under high voltage conductors where clearances required by sections 48-436 to 48-442 are maintained.

(4) The activities performed as described in subdivisions (1)(a), (b), and (c) of this section shall be performed only by the owner or operator of the high voltage conductors unless written authorization has been obtained from such owner or operator. This subsection shall not be construed to apply to activities performed by an electric utility on high voltage conductors of another electric utility when the electric utilities have a written agreement (a) providing for joint use of poles or structures supporting the high voltage conductors of the electric utilities or (b) approving the nonowning electric utility's performance of the activities described in subdivisions (1)(a), (b), and (c) of this section on an ongoing basis on the owning or operating electric utility's high voltage conductors.

**Source:** Laws 1969, c. 390, § 3, p. 1371; Laws 2012, LB997, § 3.

**Effective Date:** July 19, 2012.

**48-439. Posting of warning signs.** The owner, agent or employer responsible for the operation of equipment shall post and maintain in plain view of the operator on each crane, derrick, driver, or similar apparatus, any part of which is capable of vertical, lateral or swinging motion, an approved weather resistant warning sign legible at twelve feet reading: Warning--Unlawful to operate this equipment within ten feet of high voltage conductors; and shall post and maintain similar signs on the outside of the equipment in such locations as to be readily visible to other persons engaged in the work operation or in the vicinity of the work operation.

**Source:** Laws 1969, c. 390, § 4, p. 1372.

**48-440. High voltage lines; operations; equipment in transit; requirements; Commissioner of Labor; notify.** Before any operations are to be performed within ten feet of any overhead high voltage conductors, or whenever any equipment in transit as described in subsection (2) of section 48-438 can come within four feet of any overhead high voltage conductors, the person or persons responsible for the work to be done or moving of the equipment shall be responsible for compliance with sections 48-436 to 48-442. Such person or persons shall notify the operator of the overhead high voltage conductors and the Commissioner of Labor, on forms prescribed by the commissioner, not less than forty-eight hours before proceeding with such work, of the time, place, duration, and nature of the work to be performed, and the method of guarding against accidental contact; which shall be one of the methods provided in section 48-438 as may be agreed upon with such operator.

**Source:** Laws 1969, c. 390, § 5, p. 1372.

**48-441. Sections, when not applicable.** Nothing in sections 48-436 to 48-442 shall apply to any authorized or qualified person as defined in section 48-436 or the owner, agent, or employer of such persons in the performance of work or the moving of equipment in the conduct of its business.

**Source:** Laws 1969, c. 390, § 6, p. 1373.

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

**Source:** Laws 1969, c. 390, § 7, p. 1373; Laws 1977, LB 40, § 287; Laws 2016, LB973, § 2.

**Effective Date:** July 21, 2016