
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1459 Session of
1998

INTRODUCED BY SALVATORE, WOZNIAK, FUMO, TARTAGLIONE, LEMMOND,
KUKOVICH, SLOCUM AND MUSTO, JUNE 1, 1998

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
JUNE 1, 1998

AN ACT

1 Regulating activity around overhead high voltage lines; and
2 providing for violation and enforcement.

3 The General Assembly finds and declares as follows:

4 (1) Each year accidents occur throughout this
5 Commonwealth involving inadvertent contact with overhead
6 electric lines. These accidents involve both direct human
7 contact as well as contact by tools, material, various
8 objects, mechanical equipment or the loads carried by that
9 equipment.

10 (2) Such contact accidents have a significant potential
11 for resulting in serious, often fatal, bodily injury as well
12 as substantial property damage.

13 (3) The Commonwealth has experienced considerable
14 success in averting contact accidents involving underground
15 utility lines through the enactment of "one call" legislation
16 which requires advance notice to utility line owners of
17 intended excavation activity in proximity to those lines and

1 further requires the owners to undertake appropriate measures
2 before excavation may be commenced.

3 (4) Approximately 26 states have enacted legislation
4 with respect to overhead electric lines which, in addition to
5 prescribing safe clearance distances, mandates that, where
6 work or activity will or may occur in closer proximity than
7 the prescribed distances, advance notice must be given to the
8 overhead line owner and appropriate precautionary measures
9 taken prior to commencement of any work or activity.

10 (5) The safety of workers and the public in this
11 Commonwealth will be enhanced substantially by enactment of
12 legislation requiring such advance notification and the
13 performance of appropriate precautionary measures.

14 It is the intent of this act to improve occupational and public
15 safety in this Commonwealth by reducing accidents involving
16 contact with overhead electric lines. The severe and often fatal
17 injuries that can result from these accidents make it imperative
18 that the Commonwealth's public policy be directed toward this
19 objective.

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 Section 1. Short title.

23 This act shall be known and may be cited as the Overhead High
24 Voltage Line Act.

25 Section 2. Definitions.

26 The following words and phrases when used in this act shall
27 have the meanings given to them in this section unless the
28 context clearly indicates otherwise:

29 "Authorized person." Includes:

30 (1) An employee of a public utility which produces,

transmits or distributes electricity.

(2) An employee of a public utility which provides and whose work involves communication services or a State, county or municipal agency which has authorized communication circuit construction on or near the poles or structures of a public utility.

(3) An employee of an industrial, commercial or institutional facility whose work relates to the electrical system of that facility.

(4) An employee of a cable television or communication services company authorized by the owner of the poles to make cable television or communication services attachments.

(5) An employee or agent of a State, county, municipality or municipal agency which has or whose work relates to overhead electrical lines or conductors on poles or structures of any type.

(6) A person or an employee of an organization, which person or organization is authorized by a public utility, State, county, municipality or municipal agency, industrial, commercial or institutional facility, or cable television or communication services company to act on its behalf in performance of work described in paragraphs (1) through (5).

"High voltage." Voltage in excess of 750 volts measured between conductors or between a conductor and the ground.

"KV." The higher of the nominal conductor-to-conductor or conductor-to-ground voltage rating of a high voltage overhead line, expressed in thousands of volts.

"Overhead line." All bare or insulated electrical conductors installed aboveground.

"Person" or "business entity." A person or entity who

1 performs any activity for compensation which may require him,
2 his employees or any tool, material, object or equipment to be
3 in proximity with an overhead line.

4 "Public utility." Public utility corporations and those
5 cooperative corporations, municipalities and municipal
6 authorities which provide services of a public utility nature.

7 Section 3. Activity near overhead line; safety regulations.

8 Unless danger against contact with high voltage overhead
9 lines has been effectively guarded against as provided under
10 section 4:

11 (1) A person or business entity, individually, through
12 an agent or employee, or as an agent or employee, shall not:

13 (i) require or permit any person to perform any
14 activity upon land, building, highway or other property
15 or structure if at any time during the performance of any
16 activity it is possible that the person performing the
17 function or activity could move or be placed closer to
18 any high voltage overhead line or if it is possible that
19 any part of any tool, object or material used by the
20 person could be brought closer to any high voltage
21 overhead line during the performance of any function or
22 activity than the following clearances indicated in
23 subparagraph (ii); or

24 (ii) operate or permit to be operated any mechanical
25 equipment or hoisting equipment or any load of such
26 equipment, any part of which is capable of vertical,
27 lateral or swinging motion, closer to any high voltage
28 overhead line than the following clearances:

29 (A) For lines rated 50 KV or less, 10 feet of
30 clearance.

(B) For lines rated over 50 KV, 10 feet plus .4
inch for each KV over 50 KV.

(2) Nothing in this act is intended to derogate or
conflict with the provisions of any other applicable statute
or regulation specifically including the Occupational Safety
and Health Act of 1970 (Public Law 91-596, 29 U.S.C. § 651 et
seq.) and pertinent regulations thereunder. In any case of
such derogation or conflict, those superior provisions in
furtherance of the objectives of this act shall prevail.

Section 4. Activity in close proximity to lines; clearance
arrangements; procedure; payment; notice.

(a) Notice.--If any person or business entity desires to
temporarily carry on any function, activity, work or operation
in closer proximity to any high voltage overhead line than
permitted by this act, the person or business entity responsible
for performing the work shall promptly notify the public utility
operating the high voltage overhead line. The person or business
entity may perform the work only after satisfactory mutual
arrangements, including coordination of work and construction
schedules, have been made between the public utility operating
the lines and the person or business entity responsible for
performing the work. Arrangements may include:

(1) placement of temporary mechanical barriers or
protective equipment to separate and/or prevent contact
between material, equipment or persons and the high voltage
overhead lines;

(2) temporary de-energization and grounding of the high
voltage overhead line;

(3) temporary relocation or raising of the high voltage
overhead line; or

1 (4) installation of proximity warning devices.

2 (b) Continuing requirements.--The requirements for
3 notification set forth in subsection (a) are continuing. Notice
4 given of work in one location within a site or project does not
5 constitute notice of work elsewhere on that site or project, nor
6 shall it constitute notice of work to be performed at an earlier
7 or later date within that site or project. A separate notice
8 shall be given for each location together with the dates such
9 work is to be performed within a site or project.

10 (c) Reimbursement.--The public utility may require
11 reimbursement from the person or business entity responsible for
12 performing the work in the vicinity of the high voltage overhead
13 lines of all costs of the public utility operating the high
14 voltage overhead lines in providing arrangements for clearances.
15 The public utility is not required to provide the arrangements
16 for clearances until an agreement for payment has been made
17 where payment is allowed and required under this section.

18 (d) Timetable.--The public utility shall commence
19 construction for temporary clearances within ten calendar days
20 of an agreement for payment, if required, or from the date of
21 the request of the person responsible for the work if payment of
22 costs is not required.

23 Section 5. Regulations; enforcement.

24 This act shall be enforced by the Department of Labor and
25 Industry, which shall promulgate regulations necessary to carry
26 out the provisions of this act.

27 Section 6. Violation.

28 (a) Liability.--If a violation of this act results in
29 physical or electrical contact with any high voltage overhead
30 line, the person or business entity violating this act is liable

1 to and shall indemnify the public utility operating the high
2 voltage overhead line for all damages to the facilities and all
3 costs and expenses, including damages to third persons for
4 injuries or death, incurred by the public utility as a result of
5 the contact.

6 (b) Indemnification.--In any claim or action for damages,
7 injury or death brought by any person against a public utility
8 which produces, transmits or distributes electricity arising out
9 of circumstances related to this act, the public utility shall
10 have the right to join, for purposes of indemnification and
11 contribution, the employer of such person or to initiate a
12 separate action for indemnification and contribution.

13 Section 7. Exemptions.

14 This act does not apply to construction, reconstruction,
15 operation or maintenance by an authorized person of overhead
16 electrical or communication circuit or conductors and their
17 supporting structures or electrical generating, transmission or
18 distribution systems or communication systems.

19 Section 8. Effective date.

20 This act shall take effect in 90 days.