

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

SESSION LAW 1998-193
SENATE BILL 656

AN ACT TO MODIFY THE HIGH-VOLTAGE LINE SAFETY ACT AND TO
AMEND THE LAW ON PROJECT EXPEDITERS ON PUBLIC CONTRACTS.

The General Assembly of North Carolina enacts:

PROJECT EXPEDITERS ON PUBLIC CONTRACTS

Section 1. G.S. 143-128(e) reads as rewritten:

"(e) Project expediter; ~~scheduling~~scheduling; public body to resolve project disputes. – The State, county, municipality, or other public body may, if specified in the bid documents, provide for assignment of responsibility for expediting the work on the project to a single responsible and reliable person, firm or corporation, which may be a prime contractor. In executing this responsibility, the designated project expediter may recommend to the State, county, municipality, or other public body whether payment to a contractor should be approved. The project expediter, if required by the contract documents, shall be responsible for the preparation of the project schedule and shall allow all contractors and subcontractors performing any of the branches of work listed in subsection (d) of this section equal input into the preparation of the initial schedule. Whenever separate contracts are awarded and separate contractors engaged for a project pursuant to this section, the public body may provide in the contract documents for resolution of project disputes through alternative dispute resolution processes such as mediation or arbitration."

AMEND VOLTAGE SAFETY ACT

Section 2. G.S. 95-229.6(4) reads as rewritten:

"(4) 'Person responsible for the work to be done' means the person performing or controlling the ~~job~~work that necessitates the precautionary safety measures required by this ~~Article~~Article, unless the person performing or controlling the work is under contract or agreement with a governmental entity, in which case 'person responsible for the work to be done' means that governmental entity."

Section 3. G.S. 95-229.7(a) reads as rewritten:

"(a) Unless danger of contact with high-voltage lines has been guarded against as provided by G.S. 95-229.8, 95-229.9, and 95-229.10, the following actions are prohibited:

- (1) No person shall, individually or through an agent or employee, perform, or require any other person to perform, any work upon any land, building, highway, or other premises that will cause:
 - a. Such individual, agent, employee, or other person to be placed within six feet of any overhead high-voltage line; or any part of any tool or material used by the agent, employee, or other person to be brought within six feet of any overhead high-voltage line, or
 - b. Any part of any covered equipment or covered item used by the individual, agent, employee, or other person to be brought within 10 feet of any high-voltage line.
- (2) No person shall, individually or through an agent or employee or as an agent or employee, erect, construct, operate, maintain, transport, or store any covered equipment or covered item within 10 feet of any high-voltage line, or such greater clearance as may be required under the circumstances by OSHA, except as provided herein. 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 applicable height restrictions. The required clearance from high-voltage lines shall be not less than four feet when:
 - a. Covered equipment as defined herein is lawfully driven or transported on public streets and highways in compliance with the height restriction applicable thereto,
 - b. Refuse collection equipment is operating, or
 - c. Agricultural equipment is operating.
- (3) No person shall, individually or through an agent or employee or as an agent or employee, operate or cause to be operated an airplane or helicopter within 20 feet of a high-voltage line, except that no clearance is specified for licensed aerial applicators that may incidentally pass within the 20-foot limitation during normal operation.
- (4) No person shall, individually or through an agent or employee or as an agent or employee, store or cause to be stored any materials that are expected to be moved or handled by covered equipment or any covered item within 10 feet of a high-voltage line.
- (5) No person shall, individually or through an agent or employee or as an agent or employee, provide or cause to be provided additional clearance by either (i) raising, moving, or displacing any overhead utility ~~electric lines of any type or nature including high voltage, low voltage, telephone, cable television, fire alarm, or other lines~~ or (ii) pulling or pushing any pole, guy, or other structural appurtenance.
- (6) No person shall, individually or through an agent or employee or as an agent or employee, excavate or cause to be excavated any portion of any foundations of structures, including guy anchors or other structural

appurtenances, which support any overhead utility electric lines of any type or nature, including high voltage, low voltage, telephone, cable television, fire alarm, or other lines."

Section 4. G.S. 95-229.8(a) reads as rewritten:

"(a) No person shall, individually or through an agent or employee or as an agent or employee, operate any covered equipment in the proximity of a high-voltage line unless warning signs are posted and maintained as follows:

- (1) A sign shall be located within the equipment and readily visible and legible to the operator of such equipment when at the controls of such equipment; and
- (2) Signs shall be located on the outside of equipment so as to be readily visible and legible at 12 feet to other persons engaged in the work operations.

This subsection shall not apply to handheld ~~tools and tools~~, handheld equipment equipment, and other items which by their size or configuration cannot accommodate the warning signs specified in G.S. 95-229.6(5)."

EFFECTIVE DATE

Section 5. This act becomes effective January 1, 1999. Section 2 of this act applies to contracts entered into on or after that date.

In the General Assembly read three times and ratified this the 15th day of October, 1998.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 2:02 p.m. this 24th day of October, 1998