

E AND R AMENDMENTS TO LB 997

Introduced by Larson, 40, Chairman Enrollment and Review

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 48-436, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 48-436 ~~As used in~~ For purposes of sections 48-436 to
6 48-442, unless the context otherwise requires:

7 (1) High voltage ~~shall mean~~ means a voltage in excess of
8 ~~seven hundred fifty~~ six hundred volts, measured between conductors,
9 or measured between the conductor and the ground; and

10 (2) Authorized and qualified persons ~~shall include~~
11 includes employees of any electric utility, public power district,
12 or public power and irrigation district with respect to the
13 electrical systems of such utilities, employees of communications
14 utilities, common carriers engaged in interstate commerce, state,
15 county, or municipal agencies with respect to work relating
16 to their facilities on the poles or structures of an electric
17 utility or railway transportation system, employees of a railway
18 transportation system or a metropolitan utilities district engaged
19 in the normal operation of such system, and employees of a
20 contractor with respect to work under his or her supervision when
21 such work is being performed under contract for, or as an agent
22 of, the owner of the above utilities, companies, or agencies,
23 so long as all such persons meet the requirements for working

1 near overhead high voltage conductors as provided in 29 C.F.R.
2 1910.269(a)(2)(ii) through 1910.269(a)(3), as such regulations
3 existed on the effective date of this act.

4 Sec. 2. Section 48-437, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 48-437 (1) No person, firm, or corporation, or agent
7 of ~~the same~~, such person, firm, or corporation, shall require or
8 permit any employee, except an authorized and qualified person, to
9 perform and no person, except an authorized and qualified person,
10 shall perform any function within the distances from overhead
11 high voltage conductors prohibited by sections 48-436 to 48-442;
12 or enter upon any land, building, or other premises, and there
13 to engage in any excavation, demolition, construction, repair,
14 or other operations, or to erect, install, operate, or store in
15 or upon such premises any tools, machinery, equipment, materials,
16 or structures, including house-moving, well-drilling, pile-driving,
17 or hoisting equipment, within the distances from overhead high
18 voltage conductors prohibited by sections 48-436 to 48-442, unless
19 and until danger from accidental contact with such high voltage
20 conductors has been effectively guarded against in the manner
21 prescribed in sections 48-436 to 48-442.

22 (2) No person except an authorized and qualified
23 person shall manipulate overhead high voltage conductors or other
24 components, including the poles and other structures, of an
25 electric utility. Under no circumstances shall an authorized and
26 qualified person work on the electrical system of an electric
27 utility that he or she is not employed by unless written

1 authorization has been obtained from such electric utility. This
2 subsection shall not be construed to apply to activities performed
3 by an authorized and qualified person employed by an electric
4 utility on the electrical system of another electric utility when
5 the nonowning or nonoperating electric utility has a written
6 agreement with the owning and operating electric utility (a)
7 providing for the joint use of or interconnection of the electrical
8 systems of both the electric utilities or (b) approving authorized
9 and qualified persons employed by the nonowning or nonoperating
10 electric utility to work on the electrical system of the owning or
11 operating electric utility on an ongoing basis.

12 Sec. 3. Section 48-438, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 48-438 (1) Except as provided in subsections (2) and
15 (3) of this section, the operation or erection of any tools,
16 machinery, or equipment, or any part thereof capable of vertical,
17 lateral, or swinging motion, ~~or~~ the handling or storage of any
18 supplies, materials, or apparatus or the moving of any house or
19 other building, or any part thereof, under, over, by, or near
20 overhead high voltage conductors, shall be prohibited if, at any
21 time during such operation, or other manipulation, it is possible
22 to bring such equipment, tools, materials, building, or any part
23 thereof within ten feet of such overhead high voltage conductors,
24 ~~+ Provided, that the minimum distance required for cranes or other~~
25 ~~boom type equipment in transit with no load and with raiseable~~
26 ~~portions lowered shall be four feet, except where such high~~
27 ~~voltage conductors have been effectively guarded against danger~~

1 from accidental contact, by ~~either~~ any of the following:

2 (a) ~~The erection~~ Erection of mechanical barriers to
3 prevent physical contact with high voltage conductors;

4 (b) Deenergizing of the high voltage conductors and
5 grounding where necessary; or

6 (c) Temporary relocation of overhead high voltage
7 conductors. ~~7 which relocation shall be performed by the owner or~~
8 ~~operator of the overhead power conductors.~~

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

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

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

1 utility's high voltage conductors.

2 Sec. 4. Section 60-6,298, Revised Statutes Supplement,
3 2011, is amended to read:

4 60-6,298 (1)(a) The Department of Roads or the Nebraska
5 State Patrol, with respect to highways under its jurisdiction
6 including the National System of Interstate and Defense Highways,
7 and local authorities, with respect to highways under their
8 jurisdiction, may in their discretion upon application and good
9 cause being shown therefor issue a special, continuing, or
10 continuous permit in writing authorizing the applicant or his
11 or her designee:

12 (i) To operate or move a vehicle, a combination of
13 vehicles, or objects of a size or weight of vehicle or load
14 exceeding the maximum specified by law when such permit is
15 necessary:

16 (A) To further the national defense or the general
17 welfare;

18 (B) To permit movement of cost-saving equipment to be
19 used in highway or other public construction or in agricultural
20 land treatment; or

21 (C) Because of an emergency, an unusual circumstance, or
22 a very special situation;

23 (ii) To operate vehicles, for a distance up to one
24 hundred twenty miles, loaded up to fifteen percent greater than the
25 maximum weight specified by law, up to ten percent greater than the
26 maximum length specified by law, except that for a truck-tractor
27 semitrailer trailer combination utilized to transport sugar beets

1 which may be up to twenty-five percent greater than the maximum
2 length specified by law, or both, when carrying grain or other
3 seasonally harvested products from the field where such grain or
4 products are harvested to storage, market, or stockpile in the
5 field or from stockpile to market or factory when failure to
6 move such grain or products in abundant quantities would cause an
7 economic loss to the person or persons whose grain or products are
8 being transported or when failure to move such grain or products
9 in as large quantities as possible would not be in the best
10 interests of the national defense or general welfare. The distance
11 limitation may be waived for vehicles when carrying dry beans from
12 the field where harvested to storage or market when dry beans
13 are not normally stored, purchased, or used within the permittee's
14 local area and must be transported more than one hundred twenty
15 miles to an available marketing or storage destination. No permit
16 shall authorize a weight greater than twenty thousand pounds on any
17 single axle;

18 (iii) To transport an implement of husbandry which does
19 not exceed twelve and one-half feet in width during daylight hours,
20 except that the permit shall not allow transport on holidays;

21 (iv) To operate one or more recreational vehicles, as
22 defined in section 71-4603, exceeding the maximum width specified
23 by law if movement of the recreational vehicles is prior to retail
24 sale and the recreational vehicles comply with subdivision (2)(k)
25 of section 60-6,288; or

26 (v) To operate an emergency vehicle for purposes of sale,
27 demonstration, exhibit, or delivery, if the applicant or his or her

1 designee is a manufacturer or sales agent of the emergency vehicle.
2 No permit shall be issued for an emergency vehicle which weighs
3 over sixty thousand pounds on the tandem axle.

4 (b) No permit shall be issued under subdivision (a)(i)
5 of this subsection for a vehicle carrying a load unless such
6 vehicle is loaded with an object which exceeds the size or weight
7 limitations, which cannot be dismantled or reduced in size or
8 weight without great difficulty, and which of necessity must be
9 moved over the highways to reach its intended destination. No
10 permit shall be required for the temporary movement on highways
11 other than dustless-surfaced state highways and for necessary
12 access to points on such highways during daylight hours of
13 cost-saving equipment to be used in highway or other public
14 construction or in agricultural land treatment when such temporary
15 movement is necessary and for a reasonable distance.

16 (2) The application for any such permit shall
17 specifically describe the vehicle, the load to be operated or
18 moved, whenever possible the particular highways for which permit
19 to operate is requested, and whether such permit is requested
20 for a single trip or for continuous or continuing operation. The
21 permit shall include a signed affirmation under oath that, for any
22 load sixteen feet high or higher, the applicant has contacted any
23 and all electric utilities that have high voltage conductors and
24 infrastructure that cross over the roadway affected by the move
25 and made arrangements with such electric utilities for the safe
26 movement of the load under any high voltage conductors owned by
27 such electric utilities.

1 (3) The department or local authority is authorized to
2 issue or withhold such permit at its discretion or, if such permit
3 is issued, to limit the number of days during which the permit
4 is valid, to limit the number of trips, to establish seasonal or
5 other time limitations within which the vehicles described may be
6 operated on the highways indicated, or to issue a continuous or
7 continuing permit for use on all highways, including the National
8 System of Interstate and Defense Highways. The permits are subject
9 to reasonable conditions as to periodic renewal of such permit
10 and as to operation or movement of such vehicles. The department
11 or local authority may otherwise limit or prescribe conditions
12 of operation of such vehicle or vehicles, when necessary to
13 assure against undue damage to the road foundations, surfaces, or
14 structures or undue danger to the public safety. The department or
15 local authority may require such undertaking or other security as
16 may be deemed necessary to compensate for any injury to any roadway
17 or road structure.

18 (4) Every such permit shall be carried in the vehicle
19 to which it refers and shall be open to inspection by any peace
20 officer, carrier enforcement officer, or authorized agent of any
21 authority granting such permit. Each such permit shall state the
22 maximum weight permissible on a single axle or combination of axles
23 and the total gross weight allowed. No person shall violate any
24 of the terms or conditions of such special permit. In case of any
25 violation, the permit shall be deemed automatically revoked and the
26 penalty of the original limitations shall be applied unless:

27 (a) The violation consists solely of exceeding the size

1 or weight specified by the permit, in which case only the penalty
2 of the original size or weight limitation exceeded shall be
3 applied; or

4 (b) The total gross load is within the maximum authorized
5 by the permit, no axle is more than ten percent in excess of the
6 maximum load for such axle or group of axles authorized by the
7 permit, and such load can be shifted to meet the weight limitations
8 of wheel and axle loads authorized by such permit. Such shift may
9 be made without penalty if it is made at the state or commercial
10 scale designated in the permit. The vehicle may travel from its
11 point of origin to such designated scale without penalty, and a
12 scale ticket from such scale, showing the vehicle to be properly
13 loaded and within the gross and axle weights authorized by the
14 permit, shall be reasonable evidence of compliance with the terms
15 of the permit.

16 (5) The department or local authority issuing a permit
17 as provided in this section may adopt and promulgate rules and
18 regulations with respect to the issuance of permits provided for in
19 this section.

20 (6) The department shall make available applications
21 for permits authorized pursuant to subdivisions (1)(a)(ii) and
22 (1)(a)(iii) of this section in the office of each county treasurer.
23 The department may make available applications for all other
24 permits authorized by this section to the office of the county
25 treasurer and may make available applications for all permits
26 authorized by this section to any other location chosen by the
27 department.

1 (7) The department or local authority issuing a permit
2 may require a permit fee of not to exceed twenty-five dollars,
3 except that:

4 (a) The fee for a continuous or continuing permit may not
5 exceed twenty-five dollars for a ninety-day period, fifty dollars
6 for a one-hundred-eighty-day period, or one hundred dollars for a
7 one-year period; and

8 (b) The fee for permits issued pursuant to subdivision
9 (1)(a)(ii) of this section shall be twenty-five dollars for a
10 thirty-day permit and fifty dollars for a sixty-day permit. Permits
11 issued pursuant to such subdivision shall be valid for thirty days
12 or sixty days and shall be renewable for a total number of days not
13 to exceed two hundred ten days per year.

14 A vehicle or combination of vehicles for which an
15 application for a permit is requested pursuant to this section
16 shall be registered under section 60-3,147 or 60-3,198 for the
17 maximum gross vehicle weight that is permitted pursuant to section
18 60-6,294 before a permit shall be issued.

19 Sec. 5. Section 60-6,299, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 60-6,299 (1) The Department of Roads may issue permits
22 for vehicles moving a building or objects requiring specialized
23 moving dollies. Such permits shall allow the vehicles transporting
24 buildings or objects requiring specialized dollies to operate on
25 highways under the jurisdiction of the department, excluding any
26 portion of the National System of Interstate and Defense Highways.
27 Such permit shall specify the maximum allowable width, length,

1 height, and weight of the building to be transported, the route to
2 be used, and the hours during which such building or object may
3 be transported. Any vehicle moving a building or object requiring
4 specialized moving dollies shall be escorted by another vehicle or
5 vehicles in the manner determined by the department. Such vehicles
6 shall travel at a speed which is not in excess of five miles
7 per hour when carrying loads which are in excess of the maximum
8 gross weight specified by law by more than twenty-five percent. The
9 permit shall not be issued for travel on a state highway containing
10 a bridge or structure which is structurally inadequate to carry
11 such building or object as determined by the department. The
12 department may prescribe conditions of operation of such vehicle
13 when necessary to assure against damage to the road foundations,
14 surfaces, or structures and require such security as may be deemed
15 necessary to compensate for any injury to any roadway or road
16 structure.

17 (2) The application for any such permit shall (a)
18 specifically describe the vehicle, (b) specifically describe the
19 load to be moved, (c) include a signed affirmation under oath
20 that, for any load sixteen feet high or higher, the applicant has
21 contacted any and all electric utilities that have high voltage
22 conductors and infrastructure that cross over the roadway affected
23 by the move and made arrangements with such electric utilities for
24 the safe movement of the load under any high voltage conductors
25 owned by such electric utilities, and (d) whenever possible,
26 describe the particular highways for which the permit is requested.
27 The company or individual shall maintain a copy of the permit

1 in each vehicle moving a building or object requiring specialized
2 moving dollies which shall be open to inspection by any peace
3 officer, carrier enforcement officer, or authorized agent of any
4 authority granting such permit. The fee for such permit shall be
5 ten dollars.

6 (3) The department shall adopt and promulgate rules and
7 regulations governing the issuance of the permits. Such rules
8 and regulations shall include, but not be limited to, driver
9 qualifications, equipment selection, hours of operation, weather
10 conditions, road conditions, determination of any damage caused
11 to highways or bridges, cutting or trimming of trees, removal or
12 relocation of signs or other property of the state, raising or
13 lowering of electric supply and communication lines, and such other
14 safety considerations as the department deems necessary.

15 (4) Any person who violates the terms of a permit issued
16 pursuant to this section or otherwise violates this section shall
17 be guilty of a Class III misdemeanor.

18 Sec. 6. Original sections 48-436, 48-437, 48-438, and
19 60-6,299, Reissue Revised Statutes of Nebraska, and section
20 60-6,298, Revised Statutes Supplement, 2011, are repealed.

21 2. On page 1, line 3, after "Nebraska" insert ", and
22 section 60-6,298, Revised Statutes Supplement, 2011"; and in
23 line 4 before the semicolon insert "and certain permits issued
24 for operation of oversized vehicles and loads; to harmonize
25 provisions".