

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 656\*  
House Committee Substitute Favorable 9/23/98

Short Title: Construction Law Changes.

(Public)

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Sponsors:

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Referred to:

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April 2, 1997

1 A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY THE HIGH-VOLTAGE LINE SAFETY ACT AND TO  
3 AMEND THE LAW ON PROJECT EXPEDITERS ON PUBLIC CONTRACTS.

4 The General Assembly of North Carolina enacts:

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6 **PROJECT EXPEDITERS ON PUBLIC CONTRACTS**

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

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

1 resolution of project disputes through alternative dispute resolution processes such as  
2 mediation or arbitration."

#### 4 **AMEND VOLTAGE SAFETY ACT**

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

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

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

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

16 (1) No person shall, individually or through an agent or employee, perform,  
17 or require any other person to perform, any work upon any land,  
18 building, highway, or other premises that will cause:

- 19 a. Such individual, agent, employee, or other person to be placed  
20 within six feet of any overhead high-voltage line; or any part of  
21 any tool or material used by the agent, employee, or other person  
22 to be brought within six feet of any overhead high-voltage line,  
23 or  
24 b. Any part of any covered equipment or covered item used by the  
25 individual, agent, employee, or other person to be brought within  
26 10 feet of any high-voltage line.

27 (2) No person shall, individually or through an agent or employee or as an  
28 agent or employee, erect, construct, operate, maintain, transport, or store  
29 any covered equipment or covered item within 10 feet of any high-  
30 voltage line, or such greater clearance as may be required under the  
31 circumstances by OSHA, except as provided herein. This prohibition  
32 shall not apply, however, to covered equipment as defined herein when  
33 lawfully driven or transported on public streets and highways in  
34 compliance with applicable height restrictions. The required clearance  
35 from high-voltage lines shall be not less than four feet when:

- 36 a. Covered equipment as defined herein is lawfully driven or  
37 transported on public streets and highways in compliance with  
38 the height restriction applicable thereto,  
39 b. Refuse collection equipment is operating, or  
40 c. Agricultural equipment is operating.

41 (3) No person shall, individually or through an agent or employee or as an  
42 agent or employee, operate or cause to be operated an airplane or  
43 helicopter within 20 feet of a high-voltage line, except that no clearance

1 is specified for licensed aerial applicators that may incidentally pass  
2 within the 20-foot limitation during normal operation.

3 (4) No person shall, individually or through an agent or employee or as an  
4 agent or employee, store or cause to be stored any materials that are  
5 expected to be moved or handled by covered equipment or any covered  
6 item within 10 feet of a high-voltage line.

7 (5) No person shall, individually or through an agent or employee or as an  
8 agent or employee, provide or cause to be provided additional clearance  
9 by either (i) raising, moving, or displacing any overhead utility electric  
10 ~~lines of any type or nature including high voltage, low voltage, telephone,~~  
11 ~~cable television, fire alarm, or other lines~~ or (ii) pulling or pushing any  
12 pole, guy, or other structural appurtenance.

13 (6) No person shall, individually or through an agent or employee or as an  
14 agent or employee, excavate or cause to be excavated any portion of any  
15 foundations of structures, including guy anchors or other structural  
16 appurtenances, which support any overhead utility electric lines of any  
17 ~~type or nature, including high voltage, low voltage, telephone, cable~~  
18 ~~television, fire alarm, or other lines."~~

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

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

23 (1) A sign shall be located within the equipment and readily visible and  
24 legible to the operator of such equipment when at the controls of such  
25 equipment; and

26 (2) Signs shall be located on the outside of equipment so as to be readily  
27 visible and legible at 12 feet to other persons engaged in the work  
28 operations.

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

34 Section 5. This act becomes effective October 1, 1998. Section 2 of this act  
35 applies to contracts entered into on or after that date.