

Regular Session, 2001

ACT No. 176

HOUSE BILL NO. 932 (Duplicate of Senate Bill No. 382)

BY REPRESENTATIVES JOHNS AND SENATOR ELLINGTON AND
COAUTHORED BY REPRESENTATIVE ANSARDI

AN ACT

To enact Chapter 3-A of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:141 through 146, relative to overhead electric utility lines; to provide for restrictions and prohibited activities; to provide for temporary security of lines; to provide for liability for damages; to provide for certain exemptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 3-A of Title 45 of the Louisiana Revised Statutes of 1950, comprised of R.S. 45:141 through 146, is hereby enacted to read as follows:

CHAPTER 3-A. OVERHEAD POWER LINE SAFETY ACT

§141. Definitions

As used in this Part, the following terms shall have the following meanings:

(1) "Authorized person" means:

(a) Employees, or electrical or communication contractors or other contractors employed for the maintenance of electric lines of an electric public utility with respect to the electrical system owned or operated by such electric public utility; employees or electrical or communication contractors or other contractors employed for the maintenance of electric lines of an electric cooperative with respect to

the electrical system owned or operated by such cooperative; employees or electrical or communication contractors or other contractors employed for the maintenance of electric lines of a municipality or other public entity with respect to the electrical system owned or operated by such municipality or other public entity; and the employees of a transportation system with respect to the electrical circuits of such system.

(b) Employees, or electrical or communication contractors, including cable television, and telephone and other communication utilities having pole attachment agreements with an owner or operator of high voltage overhead lines with respect to the electrical system of an owner or operator of a high voltage overhead line.

(2) "High voltage" means a voltage in excess of six hundred volts between conductors, or between any conductor and the ground.

(3) "Overhead line" means all bare or insulated electrical conductors installed above ground, except those conductors that are de-energized and grounded or that are enclosed in rigid metallic conduits.

§142. Ten-foot restriction; prohibited functions or activities

No person, shall individually or through an agent or employee, perform any function or activity upon any land, building, highway, waterway, or other premises, if at any time during the performance of any function or activity it is possible that the person performing the function or activity shall move or be placed within ten feet of any high voltage overhead line, or if it is possible for any part of any tool, equipment, machinery, or material used or handled or stored by such person to be brought within ten feet of any high voltage overhead line or conductor during the performance of such function or activity.

§143. Required conditions for commencing work within ten feet of high voltage overhead lines

A. When any person desires to temporarily carry on any function, activity, work, or operation in closer proximity to any high voltage overhead line than permitted by this Part, the person or persons responsible for the work to be done shall promptly notify the owner or operator of the high voltage overhead line prior to the scheduled commencement of the work. Such notice shall be reasonable, considering the work to be done; however, the notice shall not be less than forty-eight hours prior to the scheduled commencement of the work, exclusive of holidays and weekends, except in emergency situations that include police, fire, and rescue emergencies, in which case the notice shall be made as soon as possible.

B. The work shall be performed only after satisfactory mutual arrangements have been negotiated between the owner or operator of the high voltage overhead lines and the person or persons responsible for the work to be done. The owner or operator of the lines shall initiate the agreed upon safety arrangements within three working days and shall complete the work promptly, subject to emergency weather conditions. Arrangements may include placement of temporary mechanical barriers separating and preventing contact between material, equipment, or persons and high voltage overhead lines, temporary deenergization and grounding, temporary location or raising of the lines, or by other means deemed appropriate by the owner or operator of the lines.

C. The actual expense incurred by any operator or owner of high voltage overhead lines in providing clearances established in this

Section shall be paid by the person or persons responsible for the work to be done in the vicinity thereof. The owner or operator of the lines may require an estimated payment of such actual expense in advance.

§144. Liability for damages

A. If a violation of this Part results in physical or electrical contact with any high voltage overhead line, the person violating this Part shall be liable to the owner or operator of the high voltage overhead line for all damages, costs, or expenses incurred by the owner or operator as a result of the contact.

B. Nothing contained in this Part shall be construed to alter, amend, restrict, or limit the liability of an owner or operator of the high voltage line under current law.

C. Nothing contained in this Part shall be construed to alter, amend, restrict, or limit the exclusive remedy provisions of R.S. 23:1032, except for the rights provided to the owner or operator of the high voltage line provided in R.S. 45:144(A).

§145. Operations and activities exempt

A. The provisions of this Part shall not apply to the construction, reconstruction, operation, and maintenance or removal of overhead electrical or communication circuits or conductors, and their supporting structures and associated equipment, of rail transportation systems, electrical generating systems, transmission or distribution systems, or communications systems by an authorized person.

B. The provisions of this Part shall not apply to persons engaged in the regular and ordinary activities of farming, ranching, logging, or reforestation who lawfully own, lease, or have the right to operate the land where a line is located.

C. The provisions of this Part shall not apply to the employees of the Department of Transportation and Development or to employees of parish or municipal governments performing duties relating to public projects in the course and scope of their employment.

D. The provisions of this Part shall not apply to the employees, contractors, or subcontractors of chemical, petrochemical, natural gas and liquid pipelines, gas processing, refining, pulp and paper, and wood products manufacturing facilities when such persons are engaged in activities relating to the operation, maintenance, or expansion of such manufacturing facilities.

§146. Rules and regulations

The Public Service Commission shall promulgate rules and regulations requiring owners or operators of overhead electric utility lines to promote public awareness of the requirements of this Chapter, including but not limited to annual inserts in all customers' billing statements.

Section 2. This Act shall become effective on January 1, 2002; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on January 1, 2002 or on the day following such approval by the legislature, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____