

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 656*
House Committee Substitute Favorable 9/23/98
Third Edition Engrossed 10/7/98

Short Title: Construction Law Changes.

(Public)

Sponsors:

Referred to:

April 2, 1997

A BILL TO BE ENTITLED
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

1 pursuant to this section, the public body may provide in the contract documents for
2 resolution of project disputes through alternative dispute resolution processes such as
3 mediation or arbitration."
4

5 AMEND VOLTAGE SAFETY ACT

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

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

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

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

- 17 (1) No person shall, individually or through an agent or employee, perform,
18 or require any other person to perform, any work upon any land,
19 building, highway, or other premises that will cause:
- 20 a. Such individual, agent, employee, or other person to be placed
21 within six feet of any overhead high-voltage line; or any part of
22 any tool or material used by the agent, employee, or other person
23 to be brought within six feet of any overhead high-voltage line,
24 or
 - 25 b. Any part of any covered equipment or covered item used by the
26 individual, agent, employee, or other person to be brought within
27 10 feet of any high-voltage line.
- 28 (2) No person shall, individually or through an agent or employee or as an
29 agent or employee, erect, construct, operate, maintain, transport, or store
30 any covered equipment or covered item within 10 feet of any high-
31 voltage line, or such greater clearance as may be required under the
32 circumstances by OSHA, except as provided herein. This prohibition
33 shall not apply, however, to covered equipment as defined herein when
34 lawfully driven or transported on public streets and highways in
35 compliance with applicable height restrictions. The required clearance
36 from high-voltage lines shall be not less than four feet when:
- 37 a. Covered equipment as defined herein is lawfully driven or
38 transported on public streets and highways in compliance with
39 the height restriction applicable thereto,
 - 40 b. Refuse collection equipment is operating, or
 - 41 c. Agricultural equipment is operating.
- 42 (3) No person shall, individually or through an agent or employee or as an
43 agent or employee, operate or cause to be operated an airplane or

1 helicopter within 20 feet of a high-voltage line, except that no clearance
2 is specified for licensed aerial applicators that may incidentally pass
3 within the 20-foot limitation during normal operation.

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

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

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

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

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

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

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

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

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