

(PRE-FILED)

By: **Chairman, Finance Committee (By Request - Departmental -
Transportation)**

Requested: November 3, 2003

Introduced and read first time: January 14, 2004

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Electric Regulation - High Voltage Lines**

3 FOR the purpose of altering the defined term "high voltage line" so as to exempt
4 certain electrical cables from provisions of law relating to high voltage lines; and
5 generally relating to certain safety measures in connection with high voltage
6 lines.

7 BY repealing and reenacting, with amendments,
8 Article - Labor and Employment
9 Section 6-101
10 Annotated Code of Maryland
11 (1999 Replacement Volume and 2003 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article - Labor and Employment
14 Section 6-102 through 6-110, inclusive
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2003 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Labor and Employment**

20 6-101.

21 (A) In this title, "high voltage line" means an electric line that:

22 (1) is installed above ground level; and

23 (2) has a voltage of more than 750 volts:

24 (i) between conductors; or

1 (ii) from a conductor to a ground.

2 (B) "HIGH VOLTAGE LINE" DOES NOT INCLUDE CABLES THAT ARE
3 INHERENTLY SAFE BECAUSE THE CABLES:

4 (1) ARE COVERED WITH A CONTINUOUS AUXILIARY SEMICONDUCTOR
5 SHIELD IN COMBINATION WITH SUITABLE METALLIC DRAINAGE AND SUPPORTED ON
6 AND CABLED TOGETHER WITH AN EFFECTIVELY GROUNDED BARE MESSENGER;

7 (2) ARE INSULATED, NONSHIELDED, OPERATED AT NOT OVER 5 KV
8 PHASE-TO-PHASE OR 2.9 KV PHASE-TO-GROUND, AND SUPPORTED ON AND CABLED
9 TOGETHER WITH AN EFFECTIVELY GROUNDED BARE MESSENGER; OR

10 (3) PROVIDE THE NECESSARY ELECTRICAL SAFETY BY ALTERNATIVE
11 MEANS SET FORTH IN THE MOST RECENT NATIONAL ELECTRICAL SAFETY CODE
12 STANDARDS FOR SUCH CABLES.

13 6-102.

14 This title does not apply to:

15 (1) the maintenance or repair of an electric power plant or system that a
16 private company or corporation owns or operates for production of electricity for its
17 own use; or

18 (2) the construction, maintenance, or operation of a high voltage line and
19 its support structures and associated equipment by a public utility that the Public
20 Service Commission regulates or an agent or contractor of the utility.

21 6-103.

22 Until determined otherwise from the owner or operator of an electric line that is
23 above ground level, the electric line is presumed:

24 (1) to be energized on and at all times after installation or erection; and

25 (2) to have a voltage of more than 750 volts.

26 6-104.

27 The Division of Labor and Industry shall administer and enforce this title.

28 6-105.

29 (a) Whenever an individual who is authorized to inspect property in the State
30 is denied access after the individual makes a proper request for access to inspect to
31 the owner, lessee, or other person in charge of the property, the individual may apply
32 to the District Court for an administrative search warrant under this title.

33 (b) Each application under this section shall:

- 1 (1) state the nature, purpose, and scope of the inspection; and
- 2 (2) show that:
 - 3 (i) the applicant:
 - 4 1. is authorized by law to make the inspection; and
 - 5 2. requested access at a reasonable time;
 - 6 (ii) access was denied; and
 - 7 (iii) the inspection is for a purpose related to safety or health.

8 (c) An application may not be submitted to the District Court unless approved
9 by the Attorney General.

10 (d) On application in accordance with this section, the District Court may
11 issue an administrative search warrant.

12 6-106.

13 If any part of an individual or object will come within 10 feet of a high voltage
14 line while performing the activity, a person shall comply with § 6-107 of this title
15 before the person may perform, or require or allow an employee to perform, any of the
16 following activities:

- 17 (1) moving all or any part of a building or other structure;
- 18 (2) trimming a tree or doing any similar activity; or
- 19 (3) erecting, operating, storing, transporting, or otherwise handling any
20 object, including:
 - 21 (i) an antenna;
 - 22 (ii) an antenna support;
 - 23 (iii) equipment;
 - 24 (iv) a flagpole;
 - 25 (v) machinery;
 - 26 (vi) material;
 - 27 (vii) tools; or
 - 28 (viii) other apparatus.

1 6-107.

2 Whenever an activity listed under § 6-106 of this title is to be performed within
3 10 feet of a high voltage line, the person responsible for performing the activity shall:

4 (1) promptly notify the owner or operator of the high voltage line of the
5 activity to be performed;

6 (2) make any appropriate arrangements with the owner or operator of
7 the high voltage line to carry out any safety measures required by item (3) of this
8 section; and

9 (3) with any necessary cooperation from and subject to any necessary
10 agreement with the owner or operator of the high voltage line, ensure that the high
11 voltage line has been effectively guarded against accidental contact by:

12 (i) installing physical barriers to prevent physical contact with the
13 high voltage line;

14 (ii) relocating the high voltage line; or

15 (iii) de-energizing and grounding the high voltage line.

16 6-108.

17 (a) The owner or operator of a high voltage line shall perform any act that is
18 reasonably necessary to carry out the safety measures required by § 6-107 of this title
19 to guard effectively against accidental contact with the high voltage line:

20 (1) after notification from a person who intends to perform an activity
21 listed under § 6-106 of this subtitle within 10 feet of a high voltage line;

22 (2) after the person who intends to perform the activity has made any
23 appropriate arrangements; and

24 (3) within a reasonable time.

25 (b) This section does not require an owner or operator of a high voltage line to:

26 (1) bear the expense of any safety measure required by this title; or

27 (2) de-energize or ground any high voltage line if doing so would:

28 (i) substantially interfere with service to the public; or

29 (ii) endanger the health, safety, or welfare of the public.

30 6-109.

31 (a) "Equipment" includes a crane, derrick, pile driver, power shovel, trimming
32 rig, or similar apparatus.

1 (b) This section applies to any equipment if all or any part of the equipment
2 may be used near any high voltage line.

3 (c) The owner, lessee, or user of any equipment to which this section applies
4 shall become acquainted and acquaint its employees with this title and regulations
5 adopted to carry out this title.

6 (d) (1) The owner, lessee, or user of any equipment to which this section
7 applies shall keep a warning sign posted:

8 (i) on the equipment in clear view of its operator while at the
9 controls of the equipment;

10 (ii) on the outside of the equipment in clear view of each individual
11 helping the operator from outside of the equipment; and

12 (iii) on the boom of each crane or derrick so that, when the boom is
13 raised, the sign is at the eye level of the operator.

14 (2) Each sign shall state, in lettering that is legible from a distance of at
15 least 12 feet: "Unlawful to operate this equipment within 10 feet of any electric wire".

16 (3) Each sign shall be permanent and weather resistant.

17 6-110.

18 A person who fails to comply with or violates any provision of this title is guilty
19 of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or
20 imprisonment not exceeding 1 year or both.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
22 effect October 1, 2004.