

CHAPTER 186

HIGH VOLTAGE LINES

Authority

N.J.S.A. 34:6-47.1 et seq.

Source and Effective Date

R.2002 d.194, effective May 24, 2002.
See: 34 N.J.R. 1529(a), 34 N.J.R. 2043(a).

Chapter Expiration Date

Chapter 186, High Voltage Lines, expires on May 24, 2007. See: 34 N.J.R. 2043(a).

Chapter Historical Note

Chapter 186, High Voltage Lines, was adopted as R.1997 d.144 effective March 17, 1997. See: 29 N.J.R. 92(a), 29 N.J.R. 898(b).

Chapter 186, High Voltage Lines, was readopted as R.2002 d.194, effective May 24, 2002. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

12:186-1.1 Purpose

The purpose of this chapter is to provide reasonable precautions to be taken in proximity to high voltage lines in order to prevent accidents.

12:186-1.2 Scope

(a) The provisions of the Act and this chapter shall not be applicable to the construction, reconstruction, operations and maintenance of overhead electrical conductors and their

supporting structures and associated equipment by authorized and qualified electrical workers.

(b) The provisions of this Act and this chapter shall not be applicable to authorized and qualified employees of any person engaged in the construction, reconstruction, operation and maintenance of overhead electrical circuits or conductors and their supporting structures and associated equipment of:

1. Rail transportation systems; or
2. Electrical generating, transmission, distribution and communication systems.

(c) When applied to railway systems, the exceptions in (a) and (b) above shall be construed as permitting operation of standard rail equipment normally used in the transport of passengers or freight, or both, and the operation of relief trains, or other equipment in emergencies, or in maintenance of way service, at a distance of less than 10 feet from any high voltage conductor of such railway system.

(d) The Act and this chapter shall prohibit normal repair or construction operations at a distance of less than 10 feet from any high voltage conductor by other than properly qualified and authorized persons or employees under the direct supervision of an authorized person who is familiar with the hazards involved in such activities, unless there has been compliance with all of the applicable safety and warning provisions of the Act as embodied in this chapter.

(e) The Act and this chapter shall not be applicable to motor vehicle transportation across or along a public road or highway where such transportation is subject to the requirements of Title 39, Motor Vehicles and Traffic Regulations of the Revised Statutes, nor to motor vehicle transportation subject to the requirements of N.J.S.A. 27:12B-1 et seq., which govern operations of the New Jersey Highway Authority and N.J.S.A. 27:23-1 et seq., which govern operation of the New Jersey Turnpike Authority.

Amended by R.2002 d.194, effective June 17, 2002.

See: 34 N.J.R. 1529(a), 34 N.J.R. 2043(a).

In (c) and (d), substituted "10" for "six" preceding "feet".

12:186-1.3 Validity

Should any section, paragraph, sentence or word of this chapter be declared for any reason to be invalid, such decisions shall not affect the remaining portion of this chapter.

SUBCHAPTER 2. DEFINITIONS

12:186-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise.

"Act" means the High Voltage Proximity Act, N.J.S.A. 34:6-47.1 et seq.

"Commissioner" means the Commissioner of Labor or his or her duly authorized designee.

"Department" means the New Jersey Department of Labor.

"Division" means the Division of Workplace Standards in the New Jersey Department of Labor, CN 054, Trenton, New Jersey 08625-0054.

"High voltage lines" means electrical conductors installed above ground and having a voltage differential in excess of 750 volts between any pair of conductors or between any conductor and the ground. In the case of alternating current, the voltage shall be measured in R.M.S. value. This definition shall not include approved armored cable used to supply power to portable equipment and insulated power cables enclosed in approved metallic raceways.

"Shall" means a mandatory requirement.

"Trained spotter" means an employee, designated by the employer, with employer documented training in the requirements of the New Jersey High Voltage Proximity Act and related rules, OSHA regulations for working in proximity to high voltage lines, and other task specific training as determined necessary by the employer to assist in the safe operation of a crane. The spotter shall not perform any other duties while acting as the spotter.

Amended by R.2002 d.194, effective June 17, 2002.
See: 34 N.J.R. 1529(a), 34 N.J.R. 2043(a).
Added "Trained spotter".

SUBCHAPTER 3. VIOLATIONS

12:186-3.1 Violations; generally

(a) A violation of the Act shall occur when an employer or supervising agent of an employer shall require or permit an employee to participate in the operation, erection, transportation, handling, or storage of any tools, machinery, equipment, supplies, materials, or apparatus or the moving of any building, if in the course of such operation, erection, transportation, handling, storage or moving it is possible:

1. For such tools, machinery, equipment, supplies, materials, apparatus or building, to come within 10 feet of a high voltage line; or
2. To participate in any activity which would cause the employee to come within 10 feet of a high voltage line, unless:

- i. Precautionary action has been taken to protect against the danger from contact with high voltage line(s), by promptly notifying the owner or person in charge of the high voltage line(s), and to de-energize such high voltage line(s) and ground it where necessary;

- ii. By using other effective methods or devices which have been approved in advance by the Commissioner for the particular case and for the particular location. Requests for permission to use such other methods or devices should be addressed in writing to the Division for consideration thereof; or

- iii. For the purposes of this section related to the High Voltage Proximity Act, N.J.S.A. 34:6-47 et seq. the utilization of a trained spotter or spotters for crane operations as appropriate, and the proper grounding of the crane, shall be considered to be an effective method, pre-approved by the Commissioner, to meet the requirements of the Act. Any contractor, employer, or supervising agent of a contractor or employer taking such action shall be deemed to be in compliance with the consultation requirements of the Act and this chapter. All other requirements of the Act and this chapter shall remain in effect.

(b) No person shall operate, erect, transport, handle or store any tools, machinery, equipment, supplies, materials, or apparatus, or move any building, if in the course of such operation, erection, transportation, handling, storage or moving it is possible:

1. For such tools, machinery, equipment, supplies, materials, apparatus or building to come within 10 feet of a high voltage line, unless:

- i. Precautionary action has been taken to protect against the danger from contact with high voltage line(s), by promptly notifying the owner or person in charge of the high voltage line(s), and to de-energize such high voltage line(s) and ground it where necessary;

- ii. By using other effective methods or devices which have been approved in advance by the Commissioner for the particular case and for the particular location. Requests for permission to use such other methods or devices should be addressed in writing to the Division for consideration thereof; or

- iii. For the purposes of this section related to the High Voltage Proximity Act, N.J.S.A. 34:6-47 et seq., the utilization of a trained spotter or spotters for crane operations as appropriate, and the proper grounding of the crane, shall be considered to be an effective method, pre-approved by the Commissioner, to meet the requirements of the Act. Any contractor, employer, or supervising agent of a contractor or employer, taking such action shall be deemed to be in compliance with the consultation requirements of the Act and this chapter. All other requirements of the Act and this chapter shall remain in effect.

(c) In no case shall the required 10-foot clearance be provided by moving or displacing any conductor, except where the conductor is relocated temporarily pursuant to arrangements made with the owner or person in charge of the high voltage line.

Amended by R.2002 d.194, effective June 17, 2002.
See: 34 N.J.R. 1529(a), 34 N.J.R. 2043(a).
Rewrote the section.

12:186-3.2 Warning sign requirement

(a) It shall be a violation of the Act if an owner, agent, lessee, bailer, user or employer who is responsible for the operation of equipment capable of coming in contact with a high voltage line in the course of its operation, fails to post and maintain, in plain view of the operator on each piece of such equipment, a durable warning sign which shall be legible at a distance of 12 feet and which shall read: "Unlawful to operate this equipment within 10 feet of high voltage lines." Regarding the posting of warning signs, "equipment" includes, but is not limited to, any crane, fire apparatus, loaders, haulage vehicles, manlifts, crawlers, backhoes, derricks, and any other equipment that may be physically or remotely operated that is capable of coming in contact with high voltage lines.

(b) The owner, agent, lessee, bailee, user or employer responsible for the operation of equipment shall also provide such warning signs prominently displayed at the work site in those areas adjacent to high voltage lines with which equipment could come in contact in the course of work activities.

(c) The requirement that warning signs be posted shall not apply to railway equipment operating on a railway right-of-way in relation to high voltage conductors of such railway system under conditions set forth in N.J.A.C. 12:186-1.7.

Amended by R.2002 d.194, effective June 17, 2002.
See: 34 N.J.R. 1529(a), 34 N.J.R. 2043(a).

In (a), substituted "10" for "6" in the first sentence and added a second sentence; deleted former (c) and recodified former (d) as new (c).

SUBCHAPTER 4. NOTIFICATION REQUIREMENTS

12:186-4.1 Notification to power company/responsibility for safeguards

(a) Whenever any activity is to be performed which requires precautionary action under N.J.A.C. 12:186-3, the employer, contractor or other person responsible for the activity shall:

1. Promptly notify the owner or person in charge of the high voltage line of the intended activity; and

2. Fully comply with and be responsible for the cost and completion of the precautionary action required under N.J.A.C. 12:186-3 before proceeding with such activity.

SUBCHAPTER 5. ADMINISTRATIVE PENALTIES AND HEARINGS

12:186-5.1 Penalties

(a) Any person violating any of the provisions of the Act shall be liable to a penalty of not less than \$500.00 nor more than \$5,000 for each cited violation.

(b) Any violation of the Act by an officer, agent or employee shall also be deemed to be a violation by the employer if the employer had knowledge of or actual control over the cause of such violation.

(c) Where the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.

(d) The Commissioner, at his or her discretion, may compromise and settle any claim for a penalty imposed under the Act in such amount as he or she deems to be appropriate and equitable under all of the circumstances, including, but not limited to:

1. The past record of compliance with the provisions of the Act by the alleged violator;
2. The degree of cooperation afforded to the Commissioner's representatives by the alleged violator in securing compliance with the provisions of the Act;
3. Whether the cited violation was willful in nature; and
4. Whether the cited violation resulted in injury or bodily harm.

12:186-5.2 Hearings

(a) No penalty shall be levied pursuant to N.J.A.C. 12:186-5.1 unless the alleged violator is first provided with:

1. Notification of the violation;
2. The amount of the penalty to be imposed; and
3. An opportunity to request a formal hearing.

(b) A request for a formal hearing shall be made in writing and received within 21 calendar days following receipt of the notice of violation.

(c) All hearings shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(d) If a hearing is not requested, the notice of violation shall become the final order upon expiration of the 21 day period following the receipt thereof.

(e) The alleged violator may request the initiation of a settlement conference at the time that the request for a formal hearing is made. If a settlement conference is requested, or the Department determines that a settlement conference would be useful, the settlement conference shall be scheduled and conducted by the Department within 30 days of the receipt of the request for a formal hearing.

(f) If a settlement is not agreed upon or no settlement conference is scheduled, a request for formal hearing shall be transmitted to the Office of Administrative Law (OAL).

(g) Payment of the penalty shall be due when a final agency determination is issued or when a notification becomes a final decision because no appeal has been filed.

(h) All payments shall be made payable to the Department of Labor in the form a certified check or money order, or such other form as the Department deems suitable.

(i) Upon entry of the final order, the penalty imposed may be recovered with costs in a summary proceeding commenced by the Commissioner pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:58-1 et seq.