

## Engineering Statutes

### **75-702 Transmission lines; intersections between railroads and highways; jurisdiction of commission.**

The commission shall have general supervision over any and all wires for transmitting electric current, or any other wire whatsoever, which crosses under or over any railroad track in this state at public highway crossings.

**Source** Laws 1963, c. 425, art. VII, § 2, p. 1422; Laws 1994, LB 414, § 114.

### **75-703 Intersections between railroads and highways; rules and regulations.**

The commission shall adopt and promulgate rules and regulations prescribing the manner in which the wires specified in section 75-702 will cross such railroad tracks in this state at public highway crossings.

**Source** Laws 1963, c. 425, art. VII, § 3, p. 1422; Laws 1994, LB 414, § 115.

### **75-704 Intersections between railroads and highways; prohibited acts.**

It shall be unlawful for any person to place any wire across any railroad track in this state at public highway crossings except in such manner as may be prescribed by the commission as provided in section 75-703.

**Source** Laws 1963, c. 425, art. VII, § 4, p. 1422; Laws 1994, LB 414, § 116.

### **75-705 Intersections between railroads and highways; crossing; commission may prescribe changes; cost.**

The commission shall, either by personal examination or otherwise, obtain information where the railroad track at public highway crossings is crossed by wires strung over the track contrary to or not in compliance with the rules prescribed by the commission, as contemplated by section 75-703, and shall order such change to be made by the person who owns or operates such wires as it may deem necessary to make the wires comply with such rules and within such reasonable time as it may prescribe. If the owner of the railroad and the other interested person are unable to agree as to which party shall bear the cost of any part of any such changes, the commission shall decide and determine which party shall bear the cost of such changes at public highway crossings.

**Source** Laws 1963, c. 425, art. VII, § 5, p. 1422; Laws 1994, LB 414, § 117.

### **75-706 Intersections between railroads and highways; crossing of wires; clearance.**

If any wire crosses over railroad track, in no case shall the commission prescribe a less clearance than twenty-five feet above the rails under the most unfavorable conditions of temperature and loading for all wires except electric wires for trolley cars, and such wires shall not be placed at a height of less than twenty-two feet from the top of the rails.

**Source** Laws 1963, c. 425, art. VII, § 6, p. 1423; Laws 1994, LB 414, § 118.

**75-707 Intersections between railroads and highways; crossing of wires; regulation.**

The commission shall regulate the crossing of wires across railroad rights-of-way at public highways within the state, except that when the crossing entity is a railroad operator, the owners shall attempt to agree upon the terms and conditions of such crossing, and if such agreement cannot be concluded, the commission shall determine the terms and conditions subject to the provisions of sections 75-702 to 75-708.

**Source** Laws 1963, c. 425, art. VII, § 7, p. 1423; Laws 1994, LB 414, § 119.

**75-708 Wires; violation; penalty; enforcement.**

Any person who strings or maintains any wire across any railroad right-of-way in this state at a different height or in a different manner than that prescribed by the commission, shall forfeit and pay to the State of Nebraska the sum of one hundred dollars for each separate period of ten days during which such wire is so maintained, such forfeiture to be recovered in a civil action brought in any court of competent jurisdiction in the name of the State of Nebraska, by the Attorney General, or by the county attorney of the county in which the wire is situated, at the request of the commission. The Attorney General and the respective county attorneys shall bring such action forthwith upon being so requested.

**Source** Laws 1963, c. 425, art. VII, § 8, p. 1423; Laws 1994, LB 414, § 120.

**75-709 Electric lines; clearance from other lines.**

All lines constructed for the transmission of electric current, including telephone and telegraph lines, on the public highways or in other places in this state, except as provided in section 75-724, shall provide sufficient clearance between such lines and existing properly constructed transmission, telephone, and telegraph lines so that they do not interfere with the reasonable safety, operation, and efficiency of existing lines.

**Source** Laws 1963, c. 425, art. VII, § 9, p. 1423; Laws 1994, LB 414, § 121.

**75-710 Electric line; construction or voltage increase; application required, when.**

If the voltage of any electric line described in section 75-709 will exceed fifteen thousand volts and such line will be within one-quarter mile of any existing electrical or communication line of any other person or signal line of any railroad or if the voltage of such electric line will exceed seven hundred volts and such line will be within five hundred feet of the electrical or communication line of any other person or signal line of any railroad, application to construct the line shall be made to the commission, except that no application shall be required for any line which will not exceed fifteen thousand volts, which will not exceed six hundred sixty feet in length, and which will be more than seventy-five feet from any existing electrical or communication line of any other person or signal line of any railroad. The projectors of such line shall file with their application (1) a map or drawing showing the route of the proposed line and any existing electrical or communication lines or railroad signal lines within the respective distances described in this section, which drawing shall identify and give the names of the owners of such other lines, (2) specifications showing the manner of the construction of the proposed line, and (3) such other information as the commission may prescribe. Application shall be made to increase the voltage of an existing line in the manner stated for new construction as provided in this section.

**Source** Laws 1963, c. 425, art. VII, § 10, p. 1424; Laws 1980, LB 611, § 1; Laws 1981, LB 485, § 1; Laws 1994, LB 414, § 122.

**75-711 Application to construct line or increase voltage; notice; hearing.**

Upon application being filed pursuant to section 75-710, the commission shall notify all parties who own or operate electrical or communication lines or railroad signal lines and who are likely to be affected by the construction of the electrical lines to appear at a public hearing at a time and place to be fixed by the commission for hearing of the application. Any such party may appear as provided in the rules of procedure of the commission. The commission shall take into consideration the prior occupancy of the space by existing lines.

**Source** Laws 1963, c. 425, art. VII, § 11, p. 1424; Laws 1981, LB 485, § 2; Laws 1994, LB 414, § 123.

**75-712 Electric line paralleling or intersecting certain telephone lines; inductive interference; effect.**

Notwithstanding any provisions of sections 75-709 to 75-711, whenever electric lines which parallel or intersect one-wire ground return telephone lines are constructed, maintained and operated in accordance with recognized standard engineering specifications, the owner of the electric lines shall not be liable for any inductive electrical interference which the use and operation of the electric lines may cause to the one-wire ground return telephone lines, and no application for authority to construct, operate and maintain such electric lines shall be denied because such lines will create inductive interference in any existing one-wire ground return telephone lines.

**Source** Laws 1963, c. 425, art. VII, § 12, p. 1424.

**75-713 Construction near airports; application; when.**

Any public utility, public power district, or other governmental subdivision or any person in this state, before engaging in the construction or alteration of any overhead wire, cable, or pipeline, the height of which is greater than five feet above the elevation of an airport which has been approved and licensed by the Department of Aeronautics, for each five hundred feet of the distance that such construction is or will be situated from the nearest boundary of such airport, shall file with the commission an original application for permission to enter upon and complete such construction or alteration and shall also file a copy thereof with the Department of Aeronautics. No application need be made when the construction or alteration is within the corporate limits of a city or village and is adjacent to other structures of a permanent character which are of equal or greater height than the construction or alteration proposed. No such overhead wire, cable, or pipeline for which application is required to be filed under sections 75-713 to 75-717 shall be constructed or altered without specific permission granted by order of the commission.

**Source** Laws 1963, c. 425, art. VII, § 13, p. 1425; Laws 1980, LB 611, § 2; Laws 1993, LB 121, § 472; Laws 1994, LB 414, § 124.

**75-714 Construction near airports; application; notice; hearing; waiver; rules and regulations by Director of Aeronautics.**

Upon the filing of an application by any applicant for permission to construct or alter any overhead wire, cable, or pipeline as provided in section 75-713, the commission shall notify the Director of Aeronautics of the filing of the application and the date that it will be heard before the commission, except that if the application is accompanied by approval in writing of the Director of Aeronautics, the hearing may be waived and the permission granted without such

hearing unless otherwise required by law. The Director of Aeronautics shall establish and publish rules and regulations consistent with the rules of the United States Department of Commerce, Division of Aeronautics, and the National Electrical Safety Code covering the requirements that the applicant is required to meet in order to obtain approval for the construction or alteration of any overhead wire, cable, or pipeline which is not exempt from the requirements of section 75-713.

**Source** Laws 1963, c. 425, art. VII, § 14, p. 1425; Laws 1994, LB 414, § 125.

**75-715 Construction near airports; notice of hearing; to whom; objections.**

The Director of Aeronautics shall notify the owners of and persons operating upon any licensed airport affected by any application filed pursuant to section 75-713 and in the notice shall state the time and place of the hearing. The director may appear at the hearing and make objections to the granting of permission for the construction of any overhead wires, cable, or pipelines when, in his or her opinion, the construction would result in danger to the life, limb, or property of any person carried by and operating aircraft in the vicinity of the licensed airport.

**Source** Laws 1963, c. 425, art. VII, § 15, p. 1426; Laws 1980, LB 611, § 3; Laws 1994, LB 414, § 126.

A party is precluded from objecting to the order of the Public Service Commission if he fails to act in accordance with the time limits prescribed in the statutes governing the procedure to obtain a reversal, modification, or vacation of the order. *Nebraska Public Power Dist. v. Huebner*, 202 Neb. 587, 276 N.W.2d 228 (1979). An order of the Public Service Commission granting authority to the public power district to construct a transmission line becomes final thirty days after the mailing of a copy of the order, and it may not be revoked after that time. *Nebraska Public Power Dist. v. Huebner*, 202 Neb. 587, 276 N.W.2d 228 (1979).

**75-716 Department of Aeronautics; file list of airports with commission.**

The Department of Aeronautics shall at all times maintain on file in the office of the commission a list of the airports currently licensed by the department setting forth the legal description of the real property thus used.

**Source** Laws 1963, c. 425, art. VII, § 16, p. 1426; Laws 1980, LB 611, § 4; Laws 1994, LB 414, § 127.

**75-717 Construction near airports; hearing; order.**

The commission shall determine from the evidence presented at the hearing held pursuant to section 75-714 whether the applicant has made adequate allowance for the proper glide angles for the landing of aircraft at the airport concerned and shall determine, in conformity with the provisions of section 75-721, what order should be entered in the premises.

**Source** Laws 1963, c. 425, art. VII, § 17, p. 1426; Laws 1994, LB 414, § 128.

**75-718 Transmission, telephone, or telegraph lines; commission may vacate side of highway, when.**

If a transmission, telephone, or telegraph carrier proposes to construct a line under the provisions of sections 75-709 to 75-724 on a highway both sides of which are occupied by telephone and telegraph lines or transmission lines, the commission shall order one side of the highway vacated, shall designate the side to be vacated, and shall assess the expense thereof to the parties interested in such proportions as in its judgment would best protect the rights of all parties interested and those of the general public.

**Source** Laws 1963, c. 425, art. VII, § 18, p. 1426; Laws 1994, LB 414, § 129.

**75-719 Specified electrical transmission lines; construction requirements; applications; exceptions; line extension; delayed application; procedure.**

An electrical transmission line for which application is required under section 75-710 will have complied with all the requirements of section 75-710 when built in accordance with the order and specifications of the commission for the construction of a line giving reasonable protection to existing lines. A separate order and set of specifications shall be issued covering the construction of each transmission line or addition thereto. No application need be made to the commission for authority to construct a customer's primary service connection between an existing electric transmission line on either side of a highway and a customer's transformer location. The construction of such a primary service connection shall conform to the requirements of law and the rules and regulations of the commission and shall be used for a customer's service only no part of which shall be along or on a section line, public road, or property owned by another party. A line extension not to exceed one-half mile in length, for which application is required under section 75-710, may be built from an existing electric transmission line prior to obtaining approval of such extension by the commission if all the owners or operators of existing electrical or communication lines, or railroad signal lines located within the respective distances described in section 75-710, and the Director of Aeronautics, if required by sections 75-713 and 75-714, consent to such construction. The construction of such line extension shall conform to the requirements of law and the rules and regulations of the commission. Within thirty days after the construction of such a line extension, an application shall be made for construction of such extension as required in other cases and shall be referred to as a delayed application. All provisions of law relating to electric transmission line applications, notices, hearings, and orders shall apply to such delayed application. Neither the fact that the line extension has been built nor the consent thereto given by owners of other lines shall affect in any way the conclusion or authority of the commission. If it is finally determined that the application should be denied because the line does not comply with law, the owner shall remove the line extension.

**Source**     Laws 1963, c. 425, art. VII, § 19, p. 1427; Laws 1980, LB 611, § 5; Laws 1981, LB 485, § 3.

**75-720 Proposed construction; electrical lines; application, notice, or hearing; unnecessary; when.**

Provisions of law requiring filing of applications with the commission and other procedures for proposed construction of any electrical line pursuant to section 75-711 need not be complied with when the electric transmission carrier has given written notice by certified mail, with a copy to the commission by certified mail, of such proposed construction providing full information, including location drawing, electrical characteristics, physical configuration, and length of parallel of and proposed separation from other electrical, communication, or railroad signal lines, to any person who owns or operates electrical, communication, or railroad signal lines within the respective distances described in section 75-710, and such person has failed to file with such electric transmission carrier, within sixty days of receipt of the notice, a written protest, together with the reasons for objecting to the proposed construction. The sixty-day notice period for protest may be waived by signed agreement between such person and the electric transmission carrier. Receipt of a waiver shall be evidence that the sixty-day notice period is also waived. When the electric transmission carrier proposing the construction is required by section 75-713 to file an application with the commission or wants to receive a commission ruling, it shall file with its application copies of the notices sent by certified mail or signed copies of agreements

with any person who owns or operates electrical, communication, or railroad signal lines within the respective distances described in section 75-710 and a signed copy of the agreement of the Director of Aeronautics if required by law, indicating their concurrence in the proposed construction. Upon receipt of such filing, the commission may approve the application to construct and may grant a permit without notice or a public hearing.

**Source** Laws 1963, c. 425, art. VII, § 20, p. 1428; Laws 1980, LB 611, § 6; Laws 1981, LB 485, § 4; Laws 1994, LB 414, § 130.

**75-721 Construction; operation; commission may regulate.**

The commission may prohibit the construction of any line found to be in violation of the terms of section 75-709. After the hearing provided for in section 75-711, the commission shall make such order and prescribe such terms and conditions for the location, construction, and operation of the proposed line as it may deem just and reasonable. It may make such orders in the premises as in its judgment would best protect the rights of all parties interested and those of the general public. It is hereby made unlawful for any person, not specifically exempt, to begin or carry on the construction of any line designed to carry electric current for which application is required under section 75-710 or to increase the voltage of any existing line which would require such application without having first secured authority from the commission as set forth in section 75-710.

**Source** Laws 1963, c. 425, art. VII, § 21, p. 1428; Laws 1980, LB 611, § 7; Laws 1993, LB 121, § 473; Laws 1994, LB 414, § 131.

**75-722 Procedure; appeal; provisions applicable.**

Commission hearings concerning the provisions of sections 75-709 to 75-724 and any appeals therefrom shall be in accordance with the Administrative Procedure Act.

**Source** Laws 1963, c. 425, art. VII, § 22, p. 1428; Laws 1994, LB 414, § 132; Laws 2000, LB 1285, § 14.

**Cross Reference**

**Administrative Procedure Act**, see section 84-920.

**75-723 Transmission, telephone, and telegraph lines; violations; penalty.**

Any person who violates any of the provisions of sections 75-709 to 75-724 shall be guilty of a Class II misdemeanor.

**Source** Laws 1963, c. 425, art. VII, § 23, p. 1428; Laws 1977, LB 39, § 206; Laws 1993, LB 121, § 474; Laws 1994, LB 414, § 133.

**75-724 Lines in cities or villages; exempt.**

The provisions of sections 75-709 to 75-724 shall not apply to any line within the limits of any incorporated city or village.

**Source** Laws 1963, c. 425, art. VII, § 24, p. 1429; Laws 1994, LB 414, § 134.