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March 15, 2007

Oregon OSHA - Proposed Changes Proximity to Overhead High Voltage Lines and Equipment in Construction

Public Hearing Scheduled for:

| <u>Date</u> | <u>Time</u> | <u>Location</u> |
|----------------|-------------|---|
| April 24, 2007 | 10:00 am | Oregon Dept. of Fish & Wildlife Bldg. First Floor – Commission Room 3406 Cherry Avenue NE Salem OR 97303 |

The proposed requirements of OAR 437-003-0047, Proximity to Overhead High Voltage Lines and Equipment, located in Division 3, Construction, are the same as the current ones, with two additions:

- Allows the use of insulated, non-conductive lines and equipment for entry into restricted space.
- Ten foot clearance signs must be clear and understandable to the operator.

The language and format have been revised to make the standard easier to understand and designed for the construction worker rather than the lineman. The intent of the standard is to prevent unqualified, inexperienced, and/or inadequately equipped employees from being injured or killed by contact with energized overhead high voltage lines has not changed.

The standard's current title has been changed to *Working Near Overhead High Voltage Lines and Equipment*, which identifies the same subject. The current language prohibits exposure within 10 feet (plus a few inches for voltages over 50 kV) of overhead lines. The proposed language requires the same clearances, but refers to them as restricted space. Both the current language, and the proposed language allow working within the restricted space when overhead lines are de-energized and grounded, or when insulating barriers are erected to prevent possible contact with power lines or equipment. The current language already prohibits insulating barriers from being attached to the overhead lines. The proposed language clarifies that line covers which can be attached to lines, are for visual reference only.

The requirements for notifying the owners of lines; who is allowed to work on high voltage lines; restricting the ability of equipment to reach within 10 feet of energized lines; and work near railways and commuter systems have been rewritten for clarity.

When does this happen: Adoption tentatively will be May 2007

To get a copy: Our web site – www.orosha.org Rules & Laws, then Proposed Rules
Or call the OR-OSHA Resource Center at 503-947-7447

To comment:

Department of Consumer and Business Services/Oregon OSHA
350 Winter Street NE
Salem OR 97301-3882
E-mail – tech.web@state.or.us
Fax – 503-947-7461

Comment period closes: April 30, 2007

OR-OSHA contact Mike Mitchell, Central Office @ 503-947-7450

Note: In compliance with the Americans with Disabilities Act (ADA), this publication is available in alternative formats by calling 503-378-3272.

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form.

Department of Consumer and Business Services/Oregon OSHA
Agency and Division

OAR 437
Administrative Rules Chapter Number

Sue Joye 350 Winter Street NE Salem OR 97301-3882
Rules Coordinator Address

503-947-7449
Telephone

RULE CAPTION

Propose to adopt changes to Proximity to Overhead High Voltage Lines and Equipment in Construction.
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Oregon Dept. of Fish & Wildlife Building
3406 Cherry Avenue NE
Commission Room – First Floor

April 24, 2007
Hearing Date

10:00 AM
Time

Salem OR 97303
Location

Sue Joye
Hearings Officer

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

ADOPT: OAR 437-003-0049.

AMEND: OAR 437-003-0047.

ORS 654.025(2) and 656.726(4)

Stat. Auth.

Other Authority

ORS 654.001 through 654.295

Stats. Implemented

RULE SUMMARY

The proposed requirements of OAR 437-003-0047, Proximity to Overhead High Voltage Lines and Equipment, located in Division 3, Construction, are the same as the current ones, with two additions:

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The requirements for notifying the owners of lines; who is allowed to work on high voltage lines; restricting the ability of equipment to reach within 10 feet of energized lines; and work near railways and commuter systems have been rewritten for clarity.

Please visit our web site www.orosha.org Click 'Rules & Laws' in the left vertical column and view our proposed, adopted, and final rules.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

April 30, 2007

Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator

/s/Michael D. Wood

Signature

Michael D. Wood

Printed name

3/14/07

Date

*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday.

ARC 920-2005

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services/OR-OSHA

Agency and Division

OAR 437

Administrative Rules Chapter Number

In the Matter of: Adopting OAR 437-003-0049; and Amending OAR 437-003-0047.

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Propose to adopt changes to Proximity to Overhead High Voltage Lines and Equipment in Construction.

Statutory Authority: ORS 654.025(2) and 656.726(4)

Other Authority:

Stats. Implemented: ORS 654.001 through 654.295

Need for the Rule(s):

The language of the current standard is confusing and difficult to understand, especially for workers not trained in and familiar with working with and near overhead high voltage systems. By clarifying the requirements, and developing a word-picture of "restricted space", the potential for accidental contact with energized overhead high voltage lines will be reduced.

Documents Relied Upon, and where they are available:

OAR 437-003, Division 3, Construction

Fiscal and Economic Impact, including Statement of Cost of Compliance:

The overall fiscal and economic impact of complying with the proposed revisions and additions to OAR 437-003-0047 should not increase the current economic impact and cost of doing business. The intent and the requirements (except for two minor additions) of the proposed standard have not changed. The clarity and ease of understanding the proposed standard, plus the added option to use insulated, non-conductive lines may reduce the cost of doing business. By preventing electrical contacts the medical costs for injuries and repair costs for damaged equipment and overhead line systems will either be reduced, or remain constant, thus positively impacting construction companies and utilities (and possibly rate payers). By clarifying the notification requirements, utilities will have the opportunity to suggest less expensive (as safe) alternate procedures early in the planning stages of projects.

How were small businesses involved in the development of this rule?

Representatives from businesses of all sizes participated in the High Voltage Ten Foot Rule Advisory Committee meetings held in 2003 and 2004, and the (group and individual) discussions held at Oregon Utility Safety Committee meetings and at Construction Advisory Committee meetings beginning in 2003 and ending in 2006.

Administrative Rule Advisory Committee consulted?: Yes.

If not, why?:

Following a suggestion at the August 2003 meeting of the OR-OSHA Construction Advisory Committee that a possible revision to OAR 437-003-0047 be considered to allow “qualified” construction workers within 10 feet of energized overhead high voltage lines, OR-OSHA formed the High Voltage Ten Foot Rule Advisory Committee. The Committee’s first meeting to study the issue was held on September 24, 2003, followed by three more. The Committee reached a consensus that the intent of the standard should not be changed, and that construction work should not be allowed within 10 feet of energized overhead high voltage lines. Since most participants on the advisory committee also attended the bimonthly meetings of the Oregon Utility Safety Committee, regular reports and discussions about progress on updating the standard were held at those meetings. The Construction Advisory Committee was also kept informed about the progress and the final decision not to change the intent of the standard.

/s/Michael D. Wood
Authorized Signer

Michael D. Wood
Printed name

3/14/07
Date