

CenterPoint Energy Houston Electric, LLC  
Applicable: Entire Service Area

CNP 8038

### 6.3 AGREEMENTS AND FORMS

#### 6.3.1 FACILITIES EXTENSION AGREEMENTS

##### 6.3.1.1 FACILITIES EXTENSION AGREEMENT FOR DISTRIBUTION VOLTAGE FACILITIES

This Facilities Extension Agreement for Distribution Voltage Facilities is entered into by and between Harris County Toll Road Authority,  
herein called "Retail Customer" and CenterPoint Energy Houston Electric, LLC, herein called  
"Company" (hereinafter referred to as Agreement) for the extension of Company's Delivery  
System distribution voltage facilities, including temporary facilities (hereinafter referred to as  
facilities extension or extension), as described herein.

This Agreement covers the facilities extension to Retail Customer location at \_\_\_\_\_  
1001 Independence Pkwy N. Baytown, TX 77520

The Company agrees to accept payment of \$61,337 Dollars  
to be paid by the Retail Customer, as a Non-Refundable Construction Payment in connection  
with the Retail Customer request to extend Company facilities to the above described location as  
follows: Install transformer bank for temporary service. Remove existing transformer bank  
serving existing building. Relocate existing pole and primary conductor crossing over road right  
of way. Generate easement for facilities installed on private property. Install transformer bank on  
private property for new permanent service. Remove transformer bank used for temporary service.

- Unless otherwise stated by Company in writing, the Non-Refundable Construction  
Payment amount above is valid for twelve months.

In consideration of said Non-Refundable Payment, to be paid to Company by Retail Customer  
prior to commencement of construction, Company agrees to install and operate lines and  
equipment necessary to distribute electric service to the identified location under the following  
General Conditions:

- Company shall at all times have title to and complete ownership and control over  
facilities installed by Company.
- Retail Customer must make satisfactory payment arrangements (if payment is required to  
extend Company facilities) and sign and return this Agreement before Company can  
proceed with the requested extension.

CenterPoint Energy Houston Electric, LLC

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- Extension of service facilities is contingent on acquisition of all necessary easements and rights of way.

If the facilities extension requested by Retail Customer calls for construction of underground Delivery System facilities at distribution voltages, Retail Customer must also agree to Company's additional specifications and terms and conditions determined by Company for the construction of underground electric service facilities.

The Company's Tariff for Retail Delivery Service, on file with the Public Utility Commission of Texas, is incorporated into this Agreement, including without limitation Sections 5.2.1 (limitation of liability), 5.2.4 (force majeure), and 5.2.6 (disclaimer of warranties) thereof.

Nothing herein contained within this Agreement shall be construed as a waiver or relinquishment by Company of any right that it has or may hereafter have to discontinue service for or on account of default in the payment of any bill owing or to become owing thereafter for any other reason or cause stated in Company's Tariff.

This Agreement shall not be binding upon Company unless and until it is signed by an authorized representative of the Company.

CenterPoint Energy Houston Electric, LLC

By Samuel VoorheesSamuel Voorhees  
(name printed or typed)Title Staff Service ConsultantDate 7/26/2022Harris County Toll Road Authority

Retail Customer

By \_\_\_\_\_

(name printed or typed)

Title \_\_\_\_\_

Date \_\_\_\_\_



# SERVICE OUTLET LOCATION AND DATA STATEMENT FOR ELECTRIC SERVICE

CNP 79 (9-2019) Page 1 of 3

CUSTOMER Harris County Toll Road Authority	DAY PHONE
SERVICE ADDRESS 1001 Independence Pkwy N. Baytown, TX 77520	EVENING PHONE
MAILING ADDRESS	CELL PHONE
ELECTRICIAN	ELECTRICIAN'S PHONE

Dear Customer,

CenterPoint Energy Houston Electric, LLC is grateful to meet with you on, 07-26-2022 to discuss the requirements needed to provide you electric service. DATE

<ul style="list-style-type: none"><li>CenterPoint Energy Construction Required? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</li><li>The following steps must be complete prior to construction:<ul style="list-style-type: none"><li><input checked="" type="checkbox"/> Pay any up-front contributions for non-standard service \$ <u>14,040.00</u></li><li><input type="checkbox"/> Clear trees along extension route</li><li><input checked="" type="checkbox"/> Easement charges \$ <u>1,700.00</u></li><li><input checked="" type="checkbox"/> Easement execution</li></ul></li></ul>	To begin the process we request that you provide the following information: <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> Site Plan and Elevation Plan: Hard Copies</li><li><input checked="" type="checkbox"/> Site Plan: Electronic Copy with XY Coordinates</li><li><input checked="" type="checkbox"/> One Line Diagram</li><li><input checked="" type="checkbox"/> Load Analysis</li><li><input checked="" type="checkbox"/> Easements Required-Recorded Warranty Deed Required</li><li><input checked="" type="checkbox"/> Specifications on Modular Metering Enclosure.</li></ul>
--	--

The following steps must be completed prior to meter installation:

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/> Installation of meter pole or weather head (as located on sketch)
<input checked="" type="checkbox"/>	<input type="checkbox"/> Obtain city or county permit - For contact information, call 713-207-2222 or 1-800-332-7143, or visit the website <a href="http://www.centerpointenergy.com/houston/builders">http://www.centerpointenergy.com/houston/builders</a>
<input checked="" type="checkbox"/>	<input type="checkbox"/> Obtain an ESI ID# for your account - Either you the customer or your Competitive Retailer can get this number by calling 713-207-2222 or 1-800-332-7143
<input checked="" type="checkbox"/>	<input type="checkbox"/> Choose a Competitive Retailer - For listing, visit the website <a href="http://www.powertochoose.org">http://www.powertochoose.org</a> or call 1-866-PWR-4-TEX(1-866-797-4839)

**Want to start gas service? Go to [move.centerpointenergy.com/move](http://move.centerpointenergy.com/move) or call 800-752-8036**  
**To learn more about energy efficiency programs, please visit [centerpointefficiency.com](http://centerpointefficiency.com)**

CenterPoint Energy Houston Electric, LLC's target completion date to provide your construction requirements, per the working sketch, is a mutually agreed upon negotiated date by CenterPoint Energy and customer. *Please be aware our ability to meet the target completion date may be affected by weather, availability of construction crews and materials, ability to secure easements, and timely completion of your requirements (see above).* **In addition, as a condition to this service, you agree to comply with all of CenterPoint Energy standards, the National Electrical Code, the National Safety Code, all Occupational Safety and (OSHA) requirements, the International Building code and all local governing body codes.**

We appreciate the opportunity to do business with you and look forward to the successful completion of this project. Your signature below insures that both parties understand the requirements toward completion that will allow you electrical service. Thanks for your cooperation in this matter.

Sincerely,

Service Consultant

SERVICE CONSULTANT Samuel Voorhees	PHONE NUMBER (281) 425-7348
ADDRESS 333 Ward Rd. Baytown, TX 77520 (Baytown Service Center)	
E-MAIL ADDRESS <a href="mailto:samuel.voorhees@centerpointenergy.com">samuel.voorhees@centerpointenergy.com</a>	

CUSTOMER'S SIGNATURE	
CUSTOMER'S PRINTED NAME	DATE

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/> Will Customer have Back-up Generation?
<input type="checkbox"/>	<input checked="" type="checkbox"/> Will Customer have Motor Greater than 250 HP?
APPLICABLE FORMS	
<input type="checkbox"/> Power Quality	
<input type="checkbox"/> Primary Meter	
<input type="checkbox"/> Motor Start	
<input type="checkbox"/> Emergency Generation	
<input type="checkbox"/> Distributed Generation	
<input type="checkbox"/> Major UG Checklist	

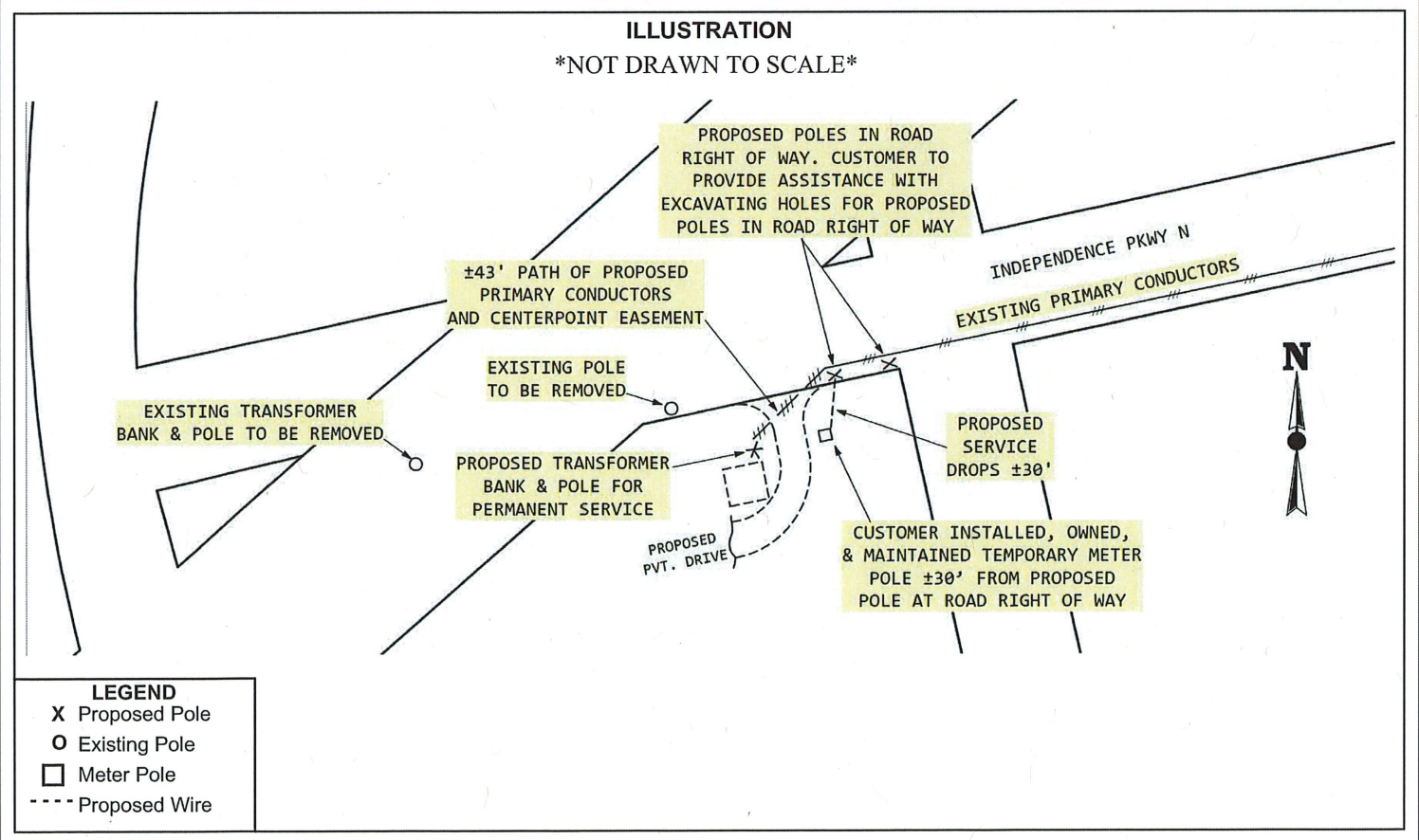


<p align="center"><b>GENERAL SERVICE</b></p> <p> <input type="checkbox"/> 1Ø 3W 120/208  <input type="checkbox"/> 1Ø 3W 120/240  <input type="checkbox"/> 3Ø 4W Δ 240V  <input type="checkbox"/> 3Ø 4W Y 120/208V  <input checked="" type="checkbox"/> 3Ø 4W Y 277/480V*    *10 X 26 PT can mounted on 480V Service?  <input type="checkbox"/> 3Ø 3W Δ 480V*    *1-1/4" conduit connecting CT &amp; PT can run?  <input type="checkbox"/> Primary Metering Job  <input type="checkbox"/> Major UG Job  <input type="checkbox"/> Other: (Explain) _____         </p>		<p align="center"><b>SERVICE TYPE</b></p> <p>_____ FT<sup>2</sup>    <input type="checkbox"/> All Electric    <input type="checkbox"/> Gas &amp; Electric</p> <p>Size Wire Pulled _____</p> <p>Cust's Load 1 Ø - _____ +3 Ø 435 = 435 Total KVA</p> <p>Fault Current: Initial 35,500    Ultimate 86,000</p> <p align="center">Amperes RMS Symmetrical at 480 _____ Volts</p>
<p align="center"><b>CT CAN TYPE</b></p> <p> <input type="checkbox"/> 320 Amp (self contained)  <input type="checkbox"/> 30 X 42  <input type="checkbox"/> Bus Head Outdoor  <input type="checkbox"/> Bus Head with CT Can  <input type="checkbox"/> Stainless Steel Rack  <input type="checkbox"/> Primary Job         </p>	<p align="center"><b>CONDUITS ON POLE</b></p> <p>Size of Conduit _____</p> <p>No. of Conduits _____</p>	<p align="center"><b>For Information Regarding:</b></p> <p align="center">CenterPoint Energy service standards visit  <a href="http://www.centerpointenergy.com/electricservicestandards">www.centerpointenergy.com/electricservicestandards</a></p> <p align="center">For approvals on AUTOMATIC TRANSFER SWITCHES            EMAIL SPECS TO  <a href="mailto:ATS.Approvals@CenterPointEnergy.com">ATS.Approvals@CenterPointEnergy.com</a></p>

#### COMMENTS OR NOTES

Location of permanent service shown in illustration below as proposed transformer bank & pole. Future electric ferry load not considered in load calculation of new permanent service.

#### ILLUSTRATION \*NOT DRAWN TO SCALE\*



**TEXAS LAW AN ACT  
TEXAS HEALTH AND SAFETY CODE TITLE 9**

CHAPTER 752 - Safety of persons engaged in activities in proximity of high voltage electric lines; restrictions

**SECTION 001. DEFINITIONS**

- (1) "High voltage" means more than 600 volts measured between conductors or between a conductor and the ground.
- (2) "Overhead line" means a bare or insulated electric conductor installed above ground but does not include a conductor that is de-energized and grounded or that is enclosed in a rigid metallic conduit.

**SECTION 002. EXEMPTION FOR CERTAIN EMPLOYEES AND ACTIVITIES**

(A) This chapter does not apply to the construction, reconstruction, operation, or maintenance by an authorized person of overhead electrical or communication circuits or conductors and their supporting structures and associated equipment that are part of a rail transportation system, an electrical generating, transmission, or distribution system or a communication system.

(B) In this section, "authorized person" means:

- (1) an employee of a light and power company, an electric cooperative, or a municipality working on his employer's electrical system;
- (2) an employee of a transportation system working on the system's electrical circuits;
- (3) an employee of a communication utility;
- (4) an employee of a state, county, or municipal agency that has authorized circuit construction on the poles or structures that belong to an electric power company, an electric cooperative, a municipal or transportation system, or a communication system;
- (5) an employee of an industrial plant who works on the plant's electrical system; or
- (6) an employee of an electrical or communications contractor who is working under the contractor's supervision.

**SECTION 003. TEMPORARY CLEARANCE OF LINES**

(A) A person, firm, corporation, or association responsible for temporary work or a temporary activity or function closer to a high voltage overhead line than the distances prescribed by this chapter must notify the operator of the line at least 48 hours before the work begins.

(B) A person, firm, corporation, or association may not begin the work, activity, or function under this section until the person, firm, corporation, or association responsible for the work, activity, or function and the owner or operator, or both, of the high voltage overhead line have negotiated a satisfactory mutual arrangement to provide temporary de-energization and grounding, temporary relocation or raising of the line, or temporary mechanical barriers to separate and prevent contact between the line and the material or equipment or the person performing the work, activity or function.

(C) The person, firm, corporation, or association responsible for the work, activity, or function shall pay the operator of the high voltage overhead line the actual expense incurred by the operator in providing the clearance prescribed in the agreement. The operator may require payment in advance and is not required to provide the clearance until the person, firm, corporation, or association responsible for the work, activity, or function makes the payment.

(D) If the actual expense of providing the clearance is less than the amount paid, the operator of the high voltage overhead line shall refund the surplus amount.

**SECTION 004. RESTRICTION ON ALL ACTIVITIES NEAR LINES**

(A) Unless a person, firm, corporation, or association effectively guards against danger by contact with the line as prescribed by Section 752.003, the person, firm, corporation, or association, either individually or through an agent or employee, may not perform a function or activity on land, a building, a highway, or other premises if at any time it is possible that the person performing the function or activity may:

- (1) move or be placed within six feet of a high voltage overhead line while performing the function or activity; or
  - (2) bring any part of a tool, equipment, machine, or material within six feet of a high voltage overhead line while performing the function or activity.
- (B) A person, firm, corporation, or association may not require an employee to perform a function or activity prohibited by Subsection (A).

**SECTION 005. RESTRICTION ON OPERATION OF MACHINERY AND PLACEMENT OF STRUCTURES NEAR LINES**

Unless a person, firm, corporation, or association effectively guards against danger by contact with the line as prescribed by Section 752.003, the person, firm, corporation, or association, either individually or through an agent or employee, may not:

- (1) erect, install, transport, or store all or any part of a house, building, or other structure within six feet of a high voltage overhead line;
- (2) install, operate, transport, handle, or store all or any part of a tool, machine, or equipment within six feet of a high voltage overhead line; or
- (3) transport, handle, or store all or any part of supplies or materials within six feet of a high voltage overhead line.

**SECTION 006. RESTRICTION ON OPERATION OF CERTAIN MACHINERY OR EQUIPMENT**

(A) A person, firm, corporation, or association, individually, through an agent or employee, or as an agent or employee, may not operate a crane, derrick, power shovel, drilling rig, hayloader, haystacker, mechanical cotton picker, pile driver, hoisting equipment, or similar apparatus any part of which is capable of vertical, lateral, or swinging motion unless:

- (1) a warning sign is posted and maintained as prescribed by Subsections (B) and (C);
- (2) an insulated cage-type guard or protective device is installed about the boom or arm of the equipment, except a backhoe or dipper; and
- (3) each lifting line, if the equipment includes a lifting hook device, is equipped with an insulator link on the lift hook connection.

(B) The warning sign required by Subsection (A) (1) must be a weather-resistant sign of not less than five inches by seven inches with a yellow background and black lettering that reads:  
"WARNING -- UNLAWFUL TO OPERATE THIS EQUIPMENT WITHIN TEN FEET OF HIGH VOLTAGE LINES."

(C) The warning sign must be legible at 12 feet and placed:

- (1) within the equipment so that it is readily visible to the equipment operator while at the equipment controls; and
- (2) on the outside of the equipment in the number and location necessary to make it readily visible to a mechanic or other person engaged in the work.

(D) Notwithstanding the distance limitations prescribed by Sections 752.004 and 752.005, unless a person, firm, corporation, or association effectively guards against danger by contact with the line as prescribed by Section 752.003, the person, firm, corporation, or association may not operate all or any part of a machine or equipment described by this section within 10 feet of a high voltage overhead line.

**SECTION 007. CRIMINAL PENALTY**

(A) A person, firm, corporation, or association or an agent or employee of a person, firm, corporation, or association commits an offense if the person, firm, corporation, association, agent, or employee violates this chapter.

(B) An offense under this section is punishable by a fine of not less than \$100 or more than \$1,000, confinement in jail for not more than one year, or both.

**SECTION 008. LIABILITY FOR DAMAGES**

If a violation of this chapter results in physical or electrical contact with a high voltage overhead line, the person, firm, corporation, or association that committed the violation is liable to the owner or operator of the line for all damages to the facilities and for all liability that the owner or operator incurs as a result of the contact.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989

Prior Laws:

Acts 1971, 62nd Leg., p. 76, ch. 41.

Vernon's Ann. Civ. St. art. 1436c, § 7(B).

This is only a part of the entire act. The complete act is available for review.





# SERVICE OUTLET LOCATION AND DATA STATEMENT FOR ELECTRIC SERVICE

CNP 79 (9-2019) Page 1 of 3

CUSTOMER Harris County Toll Road Authority	DAY PHONE
SERVICE ADDRESS 1001 Independence Pkwy N. TEMP, Baytown, TX 77520	EVENING PHONE
MAILING ADDRESS	CELL PHONE
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Dear Customer,

CenterPoint Energy Houston Electric, LLC is grateful to meet with you on, 07-26-2022 to discuss the requirements needed to provide you electric service. DATE

<ul style="list-style-type: none"><li>CenterPoint Energy Construction Required? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</li><li>The following steps must be complete prior to construction:<ul style="list-style-type: none"><li><input checked="" type="checkbox"/> Pay any up-front contributions for non-standard service \$ <u>45,597.00</u></li><li><input type="checkbox"/> Clear trees along extension route</li><li><input type="checkbox"/> Easement charges \$ _____</li><li><input type="checkbox"/> Easement execution</li></ul></li></ul>	To begin the process we request that you provide the following information: <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> Site Plan and Elevation Plan: Hard Copies</li><li><input checked="" type="checkbox"/> Site Plan: Electronic Copy with XY Coordinates</li><li><input checked="" type="checkbox"/> One Line Diagram</li><li><input checked="" type="checkbox"/> Load Analysis</li><li><input checked="" type="checkbox"/> Easements Required-Recorded Warranty Deed Required</li><li><input checked="" type="checkbox"/> Specifications on Modular Metering Enclosure.</li></ul>
--	--

The following steps must be completed prior to meter installation:

YES NO

- |                                     |                          |   |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Installation of meter pole or weather head (as located on sketch)   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Obtain city or county permit - For contact information, call 713-207-2222 or 1-800-332-7143, or visit the website <a href="http://www.centerpointenergy.com/houston/builders">http://www.centerpointenergy.com/houston/builders</a> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Obtain an ESI ID# for your account - Either you the customer or your Competitive Retailer can get this number by calling 713-207-2222 or 1-800-332-7143   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Choose a Competitive Retailer - For listing, visit the website <a href="http://www.powertochoose.org">http://www.powertochoose.org</a> or call 1-866-PWR-4-TEX(1-866-797-4839)  |

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**To learn more about energy efficiency programs, please visit [centerpointefficiency.com](http://centerpointefficiency.com)**

CenterPoint Energy Houston Electric, LLC's target completion date to provide your construction requirements, per the working sketch, is a mutually agreed upon negotiated date by CenterPoint Energy and customer. *Please be aware our ability to meet the target completion date may be affected by weather, availability of construction crews and materials, ability to secure easements, and timely completion of your requirements (see above).* **In addition, as a condition to this service, you agree to comply with all of CenterPoint Energy standards, the National Electrical Code, the National Safety Code, all Occupational Safety and (OSHA) requirements, the International Building code and all local governing body codes.**

We appreciate the opportunity to do business with you and look forward to the successful completion of this project. Your signature below insures that both parties understand the requirements toward completion that will allow you electrical service. Thanks for your cooperation in this matter.

Sincerely,

Service Consultant

SERVICE CONSULTANT Samuel Voorhees	PHONE NUMBER (281) 425-7348
ADDRESS 333 Ward Rd. Baytown, TX 77520 (Baytown Service Center)	
E-MAIL ADDRESS <a href="mailto:samuel.voorhees@centerpointenergy.com">samuel.voorhees@centerpointenergy.com</a>	

CUSTOMER'S SIGNATURE	
CUSTOMER'S PRINTED NAME	DATE

YES NO

- |                                     |                                     |   |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Will Customer have Back-up Generation?        |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Will Customer have Motor Greater than 250 HP? |

**APPLICABLE FORMS**

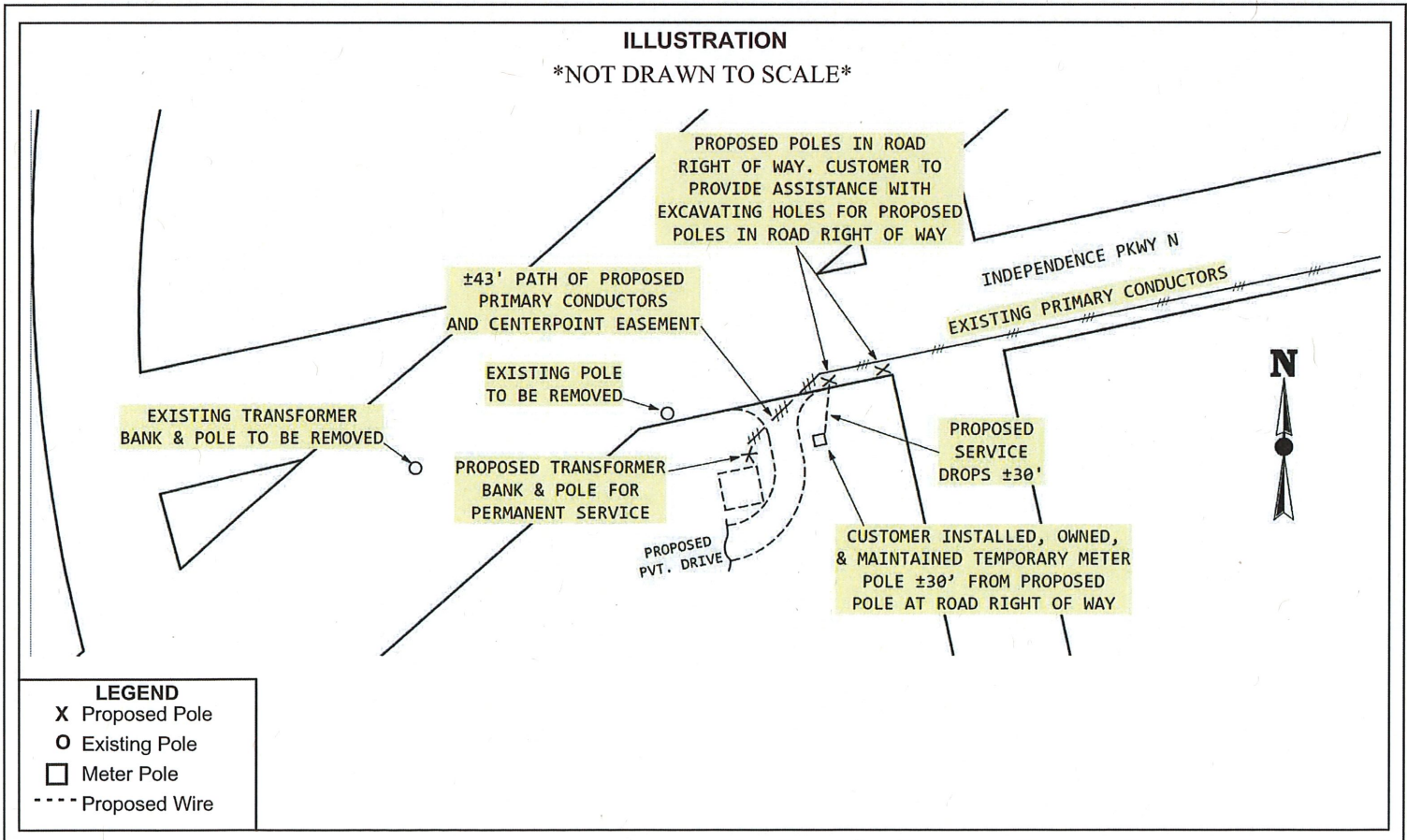
- ☐ Power Quality
- ☐ Primary Meter
- ☐ Motor Start
- ☐ Emergency Generation
- ☐ Distributed Generation
- ☐ Major UG Checklist



<p align="center"><b>GENERAL SERVICE</b></p> <p> <input type="checkbox"/> 1Ø 3W 120/208  <input type="checkbox"/> 1Ø 3W 120/240  <input checked="" type="checkbox"/> 3Ø 4W Δ 240V  <input type="checkbox"/> 3Ø 4W Y 120/208V  <input type="checkbox"/> 3Ø 4W Y 277/480V*    *10 X 26 PT can mounted on 480V Service?  <input type="checkbox"/> 3Ø 3W Δ 480V*    *1-1/4" conduit connecting CT &amp; PT can run?  <input type="checkbox"/> Primary Metering Job  <input type="checkbox"/> Major UG Job  <input type="checkbox"/> Other: (Explain) _____         </p>		<p align="center"><b>SERVICE TYPE</b></p> <p>_____ FT<sup>2</sup>    <input type="checkbox"/> All Electric    <input type="checkbox"/> Gas &amp; Electric</p> <p>Size Wire Pulled _____</p> <p>Cust's Load 1 Ø - _____ +3 Ø 36 = 36 Total KVA</p> <p>Fault Current: Initial 26,800    Ultimate 171,900</p> <p align="center">Amperes RMS Symmetrical at 240 _____ Volts</p>
<p align="center"><b>CT CAN TYPE</b></p> <p> <input type="checkbox"/> 320 Amp (self contained)  <input type="checkbox"/> 30 X 42  <input type="checkbox"/> Bus Head Outdoor  <input type="checkbox"/> Bus Head with CT Can  <input type="checkbox"/> Stainless Steel Rack  <input type="checkbox"/> Primary Job         </p>	<p align="center"><b>CONDUITS ON POLE</b></p> <p>Size of Conduit _____</p> <p>No. of Conduits _____</p>	<p align="center"><b>For Information Regarding:</b></p> <p align="center"> <b>CenterPoint Energy service standards visit</b>  <a href="http://www.centerpointenergy.com/electricservicestandards">www.centerpointenergy.com/electricservicestandards</a> </p> <p align="center"> <b>For approvals on AUTOMATIC TRANSFER SWITCHES</b>  <b>EMAIL SPECS TO</b>  <b>ATS.Approvals@CenterPointEnergy.com</b> </p>

**COMMENTS OR NOTES**

Location of temporary service shown in illustration below as temporary meter pole.



**TEXAS LAW AN ACT  
TEXAS HEALTH AND SAFETY CODE TITLE 9**

CHAPTER 752 - Safety of persons engaged in activities in proximity of high voltage electric lines; restrictions

**SECTION 001. DEFINITIONS**

(1) "High voltage" means more than 600 volts measured between conductors or between a conductor and the ground.

(2) "Overhead line" means a bare or insulated electric conductor installed above ground but does not include a conductor that is de-energized and grounded or that is enclosed in a rigid metallic conduit.

**SECTION 002. EXEMPTION FOR CERTAIN EMPLOYEES AND ACTIVITIES**

(A) This chapter does not apply to the construction, reconstruction, operation, or maintenance by an authorized person of overhead electrical or communication circuits or conductors and their supporting structures and associated equipment that are part of a rail transportation system, an electrical generating, transmission, or distribution system or a communication system.

(B) In this section, "authorized person" means:

(1) an employee of a light and power company, an electric cooperative, or a municipality working on his employer's electrical system;

(2) an employee of a transportation system working on the system's electrical circuits;

(3) an employee of a communication utility;

(4) an employee of a state, county, or municipal agency that has authorized circuit construction on the poles or structures that belong to an electric power company, an electric cooperative, a municipal or transportation system, or a communication system;

(5) an employee of an industrial plant who works on the plant's electrical system; or

(6) an employee of an electrical or communications contractor who is working under the contractor's supervision.

**SECTION 003. TEMPORARY CLEARANCE OF LINES**

(A) A person, firm, corporation, or association responsible for temporary work or a temporary activity or function closer to a high voltage overhead line than the distances prescribed by this chapter must notify the operator of the line at least 48 hours before the work begins.

(B) A person, firm, corporation, or association may not begin the work, activity, or function under this section until the person, firm, corporation, or association responsible for the work, activity, or function and the owner or operator, or both, of the high voltage overhead line have negotiated a satisfactory mutual arrangement to provide temporary de-energization and grounding, temporary relocation or raising of the line, or temporary mechanical barriers to separate and prevent contact between the line and the material or equipment or the person performing the work, activity or function.

(C) The person, firm, corporation, or association responsible for the work, activity, or function shall pay the operator of the high voltage overhead line the actual expense incurred by the operator in providing the clearance prescribed in the agreement. The operator may require payment in advance and is not required to provide the clearance until the person, firm, corporation, or association responsible for the work, activity, or function makes the payment.

(D) If the actual expense of providing the clearance is less than the amount paid, the operator of the high voltage overhead line shall refund the surplus amount.

**SECTION 004. RESTRICTION ON ALL ACTIVITIES NEAR LINES**

(A) Unless a person, firm, corporation, or association effectively guards against danger by contact with the line as prescribed by Section 752.003, the person, firm, corporation, or association, either individually or through an agent or employee, may not perform a function or activity on land, a building, a highway, or other premises if at any time it is possible that the person performing the function or activity may:

(1) move or be placed within six feet of a high voltage overhead line while performing the function or activity; or

(2) bring any part of a tool, equipment, machine, or material within six feet of a high voltage overhead line while performing the function or activity.

(B) A person, firm, corporation, or association may not require an employee to perform a function or activity prohibited by Subsection (A).

**SECTION 005. RESTRICTION ON OPERATION OF MACHINERY AND PLACEMENT OF STRUCTURES NEAR LINES**

Unless a person, firm, corporation, or association effectively guards against danger by contact with the line as prescribed by Section 752.003, the person, firm, corporation, or association, either individually or through an agent or employee, may not:

(1) erect, install, transport, or store all or any part of a house, building, or other structure within six feet of a high voltage overhead line;

(2) install, operate, transport, handle, or store all or any part of a tool, machine, or equipment within six feet of a high voltage overhead line; or

(3) transport, handle, or store all or any part of supplies or materials within six feet of a high voltage overhead line.

**SECTION 006. RESTRICTION ON OPERATION OF CERTAIN MACHINERY OR EQUIPMENT**

(A) A person, firm, corporation, or association, individually, through an agent or employee, or as an agent or employee, may not operate a crane, derrick, power shovel, drilling rig, hayloader, haystacker, mechanical cotton picker, pile driver, hoisting equipment, or similar apparatus any part of which is capable of vertical, lateral, or swinging motion unless:

(1) a warning sign is posted and maintained as prescribed by Subsections (B) and (C);

(2) an insulated cage-type guard or protective device is installed about the boom or arm of the equipment, except a backhoe or dipper; and

(3) each lifting line, if the equipment includes a lifting hook device, is equipped with an insulator link on the lift hook connection.

(B) The warning sign required by Subsection (A) (1) must be a weather-resistant sign of not less than five inches by seven inches with a yellow background and black lettering that reads:

"WARNING -- UNLAWFUL TO OPERATE THIS EQUIPMENT WITHIN TEN FEET OF HIGH VOLTAGE LINES."

(C) The warning sign must be legible at 12 feet and placed:

(1) within the equipment so that it is readily visible to the equipment operator while at the equipment controls; and

(2) on the outside of the equipment in the number and location necessary to make it readily visible to a mechanic or other person engaged in the work.

(D) Notwithstanding the distance limitations prescribed by Sections 752.004 and 752.005, unless a person, firm, corporation, or association effectively guards against danger by contact with the line as prescribed by Section 752.003, the person, firm, corporation, or association may not operate all or any part of a machine or equipment described by this section within 10 feet of a high voltage overhead line.

**SECTION 007. CRIMINAL PENALTY**

(A) A person, firm, corporation, or association or an agent or employee of a person, firm, corporation, or association commits an offense if the person, firm, corporation, association, agent, or employee violates this chapter.

(B) An offense under this section is punishable by a fine of not less than \$100 or more than \$1,000, confinement in jail for not more than one year, or both.

**SECTION 008. LIABILITY FOR DAMAGES**

If a violation of this chapter results in physical or electrical contact with a high voltage overhead line, the person, firm, corporation, or association that committed the violation is liable to the owner or operator of the line for all damages to the facilities and for all liability that the owner or operator incurs as a result of the contact.

Acts 1989, 71st Leg., ch. 678, [ 1, eff. Sept. 1, 1989

Prior Laws:

Acts 1971, 62nd Leg., p. 76, ch. 41.

Vernon's Ann. Civ. St. art. 1436c, [ 7(B).

This is only a part of the entire act. The complete act is available for review.