To: Public Utilities

MISSISSIPPI LEGISLATURE REGULAR SESSION 2002
By: Representative Ellis

HOUSE BILL NO. 1502

AN ACT TO AMEND SECTIONS 45-15-9 AND 45-15-11, MISSISSIPPI CODE OF 1972, TO REQUIRE PERSONS PERFORMING WORK NEAR HIGH VOLTAGE OVERHEAD LINES TO NOTIFY THE ELECTRIC UTILITY OF THAT WORK BY PROVIDING A WORK NOTICE TO MISSISSIPPI ONE-CALL SYSTEM, INC.; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 45-15-9, Mississippi Code of 1972, is amended as follows:

45-15-9. (1) If any person desires to carry on any function, activity, work or operation in closer proximity to any high voltage overhead line than permitted by this chapter, the person responsible for performing the work shall promptly notify the electric utility operating the high voltage overhead line by providing notice to Mississippi One-Call System, Inc., as established under Chapter 13, Title 77, Mississippi Code of 1972, or where the electric utility operating the high voltage overhead line is not a member of Mississippi One-Call System, Inc., then by providing notice, in writing, on a form to be provided by such electric utility. Notwithstanding which method of notice is used, the person shall not perform the work until mutually satisfactory arrangements have been made between such electric utility and the person or business entity responsible for performing the work to deter contact with the high voltage overhead lines as provided in subsection (3) below; however, this requirement shall not apply to persons lawfully occupying the land where the line is located and engaged in the regular and ordinary functions and activities of farming, Ranching or other agricultural pursuits.
(2) Any person performing work within ten (10) feet of any high voltage overhead line operated by an electric utility that is a member of Mississippi One-Call System, Inc., shall provide to Mississippi One-Call System, Inc., a work notice which must be given to Mississippi One-Call System, Inc., in writing, electronically or telephonically before the beginning of the actual work. The notice must be reasonable, considering the work to be done; however, the notice may not be provided less than forty-eight (48) hours before the scheduled commencement of the work, exclusive of holidays and weekends, except in emergency situations that include police, fire and rescue emergencies, in which case the notice must be made as soon as possible. The work notice must contain the name, address and telephone number of the person filing the work notice, the person responsible for the work, the commencement date of the work, the anticipated duration of the work, the type of work to be conducted and the location of the proposed work. The person giving the work notice to Mississippi One-Call System, Inc., must be furnished with an individual reference file number for each notification and offered, by Mississippi One-Call System, Inc., the name of the electric utility to whom the notification will be transmitted.

(3) The person responsible for performing the work in the vicinity of the high voltage overhead lines shall, at no cost, receive a written cost estimate from the utility for providing the necessary safety arrangements. If such person disagrees with the reasonableness of any written cost proposal or believes that the cost proposal calls for more work than is reasonably necessary to protect those working in close proximity to the high voltage overhead lines, the following options are available to such person:

(a) The electric utility shall be directed to commence work under protest; such person shall pay the electric utility for the work in accordance with the cost proposal, but shall be
entitled to seek recovery of all or any part of the money paid to
the electric utility in binding arbitration as is * * * provided
for in this section; or

(b) Prior to directing the work to be performed, the
person responsible for performing the work in the vicinity of high
voltage overhead power lines may submit to binding arbitration,
as * * * provided for in this section, to resolve the issues of
the reasonableness and necessity of the cost, and the description
of the work to be performed by the electric utility under its
written cost proposal.

(4) In the event of a disagreement between the electric
utility and the person responsible for performing work in the
vicinity of the high voltage overhead line regarding the
reasonableness or necessity of the price or the work to be
performed to deter contact with high voltage overhead lines, the
disputes shall be submitted to binding arbitration in accordance
with the procedures set forth in Sections 11-15-101 through
11-15-143. The Public Service Commission shall serve as
arbitrator for the purposes of this act. The demand for
arbitration shall be specifically enforceable in any court of law
or equity. The decision of the arbitrators as to the
reasonableness or necessity of the cost or the work to be
performed shall be final and binding upon the parties.

(5) The electric utility shall commence arrangements * * *
within five (5) working days of the mutual agreement, notice to
proceed under protest or the decision of the arbitrators. Once
initiated, the clearance work will continue without unreasonable
interruption to completion. Should the electric utility fail to
provide for temporary clearances or safety measures in a timely
manner as required by this chapter, the electric utility shall be
liable for costs or loss of production of the person requesting
assistance to work in close proximity to high voltage overhead
lines. In locations where identity of the electric utility
operating the high voltage overhead lines is not easily known, the 
Mississippi Public Service Commission shall, upon request, provide 
the name, address and telephone number of such utility for 
notification purposes.

SECTION 2. Section 45-15-11, Mississippi Code of 1972, is 
amended as follows:

45-15-11. No person shall operate any crane, derrick, power 
shovel, drilling rig, pile driver, hoisting equipment or similar 
apparatus, or any part thereof, which could be brought within ten 
(10) feet of any high voltage overhead line, unless:

(a) There is posted and maintained a warning sign, 
as *** defined in Section 45-15-1, clearly legible and placed as 
follows:

(i) Within the equipment readily visible to the 
operator of such equipment when at the controls of such equipment; 
and

(ii) On the outside of the equipment in such 
number and location as to be readily visible to mechanics or other 
persons engaged in the work operations;

(b) There is installed an insulated cage-type guard or 
protective device about the boom or arm of all equipment, except 
backhoes or dippers and, where the equipment includes a lifting 
hook device, all lifting lines are equipped with insulator links 
on the lift hook connection; ***

(c) A person is designated to observe clearance of the 
equipment from any nearby high voltage overhead lines and to give 
timely warning for all operations where it is difficult by visual 
means for the operator to determine and to maintain the required 
clearance; and

(d) The person responsible for performing the work 
within ten (10) feet of any high voltage overhead line has given 
the notice required by Section 45-15-9.
SECTION 2. This act shall take effect and be in force from and after July 1, 2002.