

By: Senator(s) Robertson, Stogner, Smith,
Minor, Hewes, Nunnelee, Kirby, Harden, Bryan,
Simmons

To: Public Utilities

SENATE BILL NO. 3039

1 AN ACT TO AMEND SECTION 45-15-9, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE PERSONS PERFORMING WORK IN CLOSE PROXIMITY TO A HIGH
3 VOLTAGE LINE TO PROVIDE NOTICE TO MISSISSIPPI ONE-CALL SYSTEM,
4 INC., OR TO THE ELECTRIC UTILITY OPERATING THE HIGH VOLTAGE
5 OVERHEAD LINE IF THE UTILITY IS NOT A MEMBER OF MISSISSIPPI
6 ONE-CALL SYSTEM, INC.; TO AMEND SECTION 45-15-11, MISSISSIPPI CODE
7 OF 1972, TO REQUIRE PERSONS OPERATING A CRANE, DERRICK, HOISTING
8 EQUIPMENT OR SIMILAR APPARATUS WHICH CAN BE BROUGHT WITHIN TEN
9 FEET OF A HIGH VOLTAGE OVERHEAD LINE TO GIVE NOTICE TO MISSISSIPPI
10 ONE-CALL SYSTEM, INC., OR TO THE ELECTRIC UTILITY OPERATING THE
11 HIGH VOLTAGE OVERHEAD LINE; AND FOR RELATED PURPOSES.

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

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

15 45-15-9. (1) If any person desires to carry on any
16 function, activity, work or operation in closer proximity to any
17 high voltage overhead line than permitted by this chapter, the
18 person responsible for performing the work shall promptly notify
19 the electric utility operating the high voltage overhead line, by
20 providing notice to Mississippi One-Call System, Inc., as
21 established in Section 77-13-1 et seq., or where the electric
22 utility operating the high voltage overhead line is not a member
23 of Mississippi One-Call System, Inc., then by providing notice in
24 writing, on a form to be provided by such electric utility, and,
25 whichever method of notice is used, shall not perform the work
26 until mutually satisfactory arrangements have been made between
27 such electric utility and the person or business entity
28 responsible for performing the work, to deter contact with the
29 high voltage overhead lines as provided in subsection (3) below,
30 however, this requirement shall not apply to persons lawfully
31 occupying the land where the line is located and engaged in the



32 regular and ordinary functions and activities of farming, ranching
33 or other agricultural pursuits.

34 (2) Any person performing work within ten (10) feet of any
35 high voltage overhead line operated by an electric utility that is
36 a member of Mississippi One-Call System, Inc., shall provide to
37 Mississippi One-Call System, Inc., a work notice which shall be
38 given to the Mississippi One-Call System, Inc., in writing,
39 electronically or telephonically prior to the beginning of the
40 actual work. Such notice shall be reasonable, considering the
41 work to be done; however, the notice shall not be less than
42 forty-eight (48) hours prior to the scheduled commencement of the
43 work, exclusive of holidays and weekends, except in emergency
44 situations that include police, fire and rescue emergencies, in
45 which case the notice shall be made as soon as possible. The work
46 notice shall contain the name, address and telephone number of the
47 person filing the work notice, the person responsible for the
48 work, the commencement date of the work, anticipated duration of
49 the work, the type of work to be conducted and the location of the
50 proposed work. The person giving the work notice to Mississippi
51 One-Call System, Inc., shall be furnished an individual reference
52 file number for each notification and shall be offered by
53 Mississippi One-Call System, Inc., the name of the electric
54 utility to whom the notification will be transmitted. The person
55 responsible for performing the work in the vicinity of the high
56 voltage overhead lines shall at no cost, receive a written cost
57 estimate from the utility for providing the necessary safety
58 arrangements. If such person disagrees with the reasonableness of
59 any written cost proposal or believes that the cost proposal calls
60 for more work than is reasonably necessary to protect those
61 working in close proximity to the high voltage overhead lines, the
62 following options are available to such person:

63 (a) The electric utility shall be directed to commence
64 work under protest; such person shall pay the electric utility for



65 the work in accordance with the cost proposal, but shall be
66 entitled to seek recovery of all or any part of the money paid to
67 the electric utility in binding arbitration as is hereinafter
68 provided; or

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

75 (3) In the event of a disagreement between the electric
76 utility and the person responsible for performing work in the
77 vicinity of the high voltage overhead line regarding the
78 reasonableness or necessity of the price or the work to be
79 performed to deter contact with high voltage overhead lines, the
80 disputes shall be submitted to binding arbitration in accordance
81 with the procedures set forth in Sections 11-15-101 through
82 11-15-143, Mississippi Code of 1972. The Public Service
83 Commission shall serve as arbitrator for the purposes of this act.
84 The demand for arbitration shall be specifically enforceable in
85 any court of law or equity. The decision of the arbitrators as to
86 the reasonableness or necessity of the cost or the work to be
87 performed shall be final and binding upon the parties.

88 (4) The electric utility shall commence arrangements as
89 provided herein within five (5) working days of the mutual
90 agreement, notice to proceed under protest, or the decision of the
91 arbitrators. Once initiated, the clearance work will continue
92 without unreasonable interruption to completion. Should the
93 electric utility fail to provide for temporary clearances or
94 safety measures in a timely manner as required by this chapter,
95 the electric utility shall be liable for costs or loss of
96 production of the person requesting assistance to work in close
97 proximity to high voltage overhead lines. In locations where



98 identity of the electric utility operating the high voltage
99 overhead lines is not easily known, the Mississippi Public Service
100 Commission shall, upon request, provide the name, address and
101 telephone number of such utility for notification purposes.

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

104 45-15-11. No person shall operate any crane, derrick, power
105 shovel, drilling rig, pile driver, hoisting equipment, or similar
106 apparatus, or any part thereof, which could be brought within ten
107 (10) feet of any high voltage overhead line, unless:

108 (a) There is posted and maintained a warning sign, as
109 herein defined, clearly legible and placed as follows:

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

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

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

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

126 (d) The person responsible for performing the work
127 within ten (10) feet of any high voltage overhead line has given
128 the notice required by Section 45-15-9.

129 **SECTION 3.** This act shall take effect and be in force from
130 and after its passage.

