

By: Senator(s) Burton

To: Energy; Appropriations

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2755

1 AN ACT TO AMEND SECTION 77-13-3, MISSISSIPPI CODE OF 1972, TO  
2 EXEMPT CERTAIN ACTIVITY BY GOVERNMENT ENTITIES IN THEIR  
3 RIGHTS-OF-WAY FROM THE LAWS REGULATING THE EXCAVATION OF  
4 UNDERGROUND UTILITY LINES; TO CREATE SECTION 77-13-27, MISSISSIPPI  
5 CODE OF 1972, TO CREATE THE UNDERGROUND PIPELINE FACILITIES  
6 ADVISORY COMMITTEE AND TO PROVIDE FOR ITS MEMBERS; TO CREATE  
7 SECTION 77-13-29, MISSISSIPPI CODE OF 1972, TO CREATE THE  
8 UNDERGROUND FACILITIES DAMAGE PREVENTION BOARD; TO CREATE SECTION  
9 77-13-31, MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE POWERS OF THE  
10 BOARD; TO CREATE SECTION 77-13-33, MISSISSIPPI CODE OF 1972, TO  
11 PROVIDE FOR INVESTIGATIONS OF COMPLAINTS OF VIOLATIONS OF THE  
12 CHAPTER; TO CREATE SECTION 77-13-35 TO CREATE THE UNDERGROUND  
13 DAMAGE PREVENTION FUND WHEREIN ALL CIVIL PENALTIES SHALL BE  
14 DEPOSITED; TO CREATE SECTION 73-13-37, MISSISSIPPI CODE OF 1972,  
15 TO PROVIDE THE SCOPE OF AUTHORITY; TO BRING FORWARD SECTIONS  
16 77-13-5, 77-13-7 AND 77-13-9, MISSISSIPPI CODE OF 1972, FOR  
17 PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** Section 77-13-3, Mississippi Code of 1972, is  
20 amended as follows:

21 77-13-3. The words defined in this section shall have the  
22 following meanings when found in this chapter:

23 (a) "Excavate or excavation" shall mean any operation  
24 in which earth, rock or other material or mass of material on or  
25 below the ground is moved or otherwise displaced by any means,



26 except: (i) the tilling of the soil less than twenty-four (24)  
27 inches in depth for agricultural purposes; or (ii) an operation in  
28 which earth, rock or other material or mass of material on or  
29 below the ground is moved or otherwise displaced to a depth of  
30 less than twelve (12) inches on private property by the property  
31 owner without the use of mechanical excavating equipment; or (iii)  
32 an operation in which earth, rock or other material or mass of  
33 material on or below the ground is moved or otherwise displaced  
34 without the use of mechanical excavating equipment to a depth of  
35 less than twelve (12) inches on private property by an excavator  
36 who is not the property owner, except when such excavation is in a  
37 clearly marked underground facility right-of-way; or (iv) routine  
38 railroad maintenance activities conducted within the track  
39 structure, drainage ditches, or within the railroad right-of-way a  
40 distance not to exceed thirty (30) feet from the outside rail of  
41 the outermost track or tracks, provided this work is performed by  
42 railroad employees or railroad contractors and is carried out with  
43 reasonable care so as to protect any underground facilities  
44 properly installed in the railroad right-of-way by agreement with  
45 the railroad; or (v) routine activities of a cemetery, provided  
46 that for any cemetery that begins or expands after July 1, 2015,  
47 such activities occur only after initial notice is provided to  
48 Mississippi 811, Inc., and all affected operators have advised  
49 that there are no underground facilities within the boundaries of  
50 the subject cemetery, or (vi) any activity by a government entity



51 in its right-of-way which does not penetrate the earth to a depth  
52 of more than twelve (12) inches and is carried out with reasonable  
53 care so as to protect any underground facilities placed in the  
54 right-of-way. The term "excavate" shall include, but not be  
55 limited to, the operations of demolition, blasting, grading, land  
56 leveling, trenching, digging, ditching, drilling, augering,  
57 tunneling, scraping, cable or pipe plowing, driving, jacking,  
58 wrecking, razing, rending, moving or removing any structure or  
59 other material or mass of material on or below the ground.

60 (b) "Utility" shall mean any person who supplies,  
61 distributes or transports by means of underground utility lines or  
62 underground facilities any of the following materials or services:  
63 gas, mixture of gases, petroleum, petroleum products or hazardous,  
64 toxic, flammable or corrosive liquids, electricity,  
65 telecommunications (including fiber optics), sewage, drainage,  
66 water, steam or other substances.

67 (c) "Underground utility lines" shall mean underground  
68 or buried cable, conduit pipes and related facilities for  
69 transportation and delivery of electricity, telecommunications  
70 (including fiber optics), water, sewage, gas, mixtures of gases,  
71 petroleum, petroleum products or hazardous, flammable, toxic or  
72 corrosive liquids.

73 (d) "Underground facility" shall mean any underground  
74 utility lines and other items which shall be buried or placed  
75 below ground or submerged for use in connection with underground



76 utility lines and including, but not be limited to, pipes, sewers,  
77 conduits, cables, valves, lines, wires, manholes, vaults,  
78 attachments and those portions of poles below the ground.

79 (e) "Person" shall mean any individual, firm,  
80 partnership, association, trustee, receiver, assignee,  
81 corporation, entity, limited liability company, utility, joint  
82 venture, municipality, state governmental unit, subdivision or  
83 instrumentality of the state, or any legal representative thereof.

84 (f) "Damage" shall mean the substantial weakening of  
85 structural or lateral support of underground utility lines and  
86 underground facilities, penetration or destruction of any  
87 protective coating, housing or other protective devices of an  
88 underground utility line or underground facility, and the partial  
89 or complete severance of any underground utility line or  
90 underground facility, but does not include any operator's  
91 abandoned facility.

92 (g) "Operator" shall mean any person who owns or  
93 operates a utility. However, the term "operator" shall not  
94 include any railroad or the Mississippi Department of  
95 Transportation.

96 (h) "Working day" shall mean a twenty-four-hour period  
97 commencing from the time the locate request is processed or  
98 entered into the system by Mississippi 811, Inc., in accordance  
99 with this chapter, excluding Saturdays, Sundays and legal  
100 holidays.



101           (i) "Mechanical excavating equipment" shall mean all  
102 equipment powered by any motor, engine, or hydraulic or pneumatic  
103 device used for excavating and shall include, but not be limited  
104 to, trenchers, bulldozers, backhoes, power shovels, scrapers,  
105 draglines, clam shells, augers, drills, cable and pipe plows and  
106 other plowing-in or pulling-in equipment.

107           (j) "Excavator" shall mean any person who engages  
108 directly in excavation.

109           (k) "Mark" shall mean the use of stakes, paint or other  
110 clearly identifiable materials to show the field location of  
111 underground facilities in accordance with the current color code  
112 standard of the American Public Works Association, or the  
113 uncovering or exposing of underground facilities so that the  
114 excavator may readily see the location of same, or the pointing  
115 out to the excavator of certain aboveground facilities such as,  
116 but not limited to, manhole covers, valve boxes and pipe and cable  
117 risers, which indicate the location of underground facilities.

118           (l) "Mississippi One-Call System, Inc." shall mean  
119 "Mississippi 811, Inc." Whenever the term "Mississippi One-Call  
120 System, Inc." appears in this chapter, the term shall mean  
121 "Mississippi 811, Inc."

122           (m) "Mississippi 811, Inc." shall mean a nonprofit  
123 corporation organized under the laws of the State of Mississippi  
124 that provides a service through which a person shall notify the



125 operator(s) of underground facilities of plans to excavate and  
126 request marking of facilities.

127 (n) "Abandoned facility" shall mean any underground  
128 utility line or underground utility facilities no longer used in  
129 the conduct of the owner/operator's business and are not intended  
130 to be used in the future.

131 (o) "Emergency excavation" shall mean excavation at  
132 times of emergency involving danger to life, health or property or  
133 a customer service outage.

134 (p) "Approximate location" of underground utility lines  
135 or underground facilities shall mean information about an  
136 operator's underground utility lines or underground facilities  
137 which is provided to a person by an operator and must be accurate  
138 within eighteen (18) inches measured horizontally from the outside  
139 edge of each side of such operator's facility, or a strip of land  
140 eighteen (18) inches either side of the operator's field mark, or  
141 the marked width of the facility or line plus eighteen (18) inches  
142 on each side of the marked width of the facility or line.

143 (q) "Positive response information system" or "PRIS"  
144 means an automated information system operated and maintained by  
145 Mississippi 811, Inc., that allows excavators, locators, facility  
146 owners or operators, and other affected parties to enter and/or  
147 determine the status of a locate request.

148 (r) "Calendar day" shall mean a twenty-four-hour  
149 period.



150           (s) "Board" shall mean the Underground Facilities  
151 Damage Prevention Board, created by Section 77-13-29.

152           (t) "Pipeline Safety Division" shall mean the Pipeline  
153 Safety Division of the Public Service Commission.

154           **SECTION 2.** The following shall be codified as Section  
155 77-13-27, Mississippi Code of 1972:

156           77-13-27. Enforcement of damage prevention. (1) Any person  
157 who violates this chapter, or the rules promulgated under this  
158 chapter, shall be subject to a civil penalty as follows:

159           (a) For a first violation, the violator shall complete  
160 a course of training concerning compliance with this chapter as  
161 determined by the executive committee;

162           (b) For a second or subsequent violation, the violator  
163 shall complete a course of training concerning compliance with  
164 this chapter as determined by the executive committee or pay a  
165 civil penalty in an amount set by the executive committee, not to  
166 exceed Two Thousand Five Hundred Dollars (\$2,500.00) per incident,  
167 or both; and

168           (c) Notwithstanding this subsection and subsection (2)  
169 of this section, if any violation was the result of gross  
170 negligence or willful or wanton misconduct as determined by the  
171 executive committee, the executive committee shall require the  
172 violator to complete a course of training concerning compliance  
173 with this chapter as determined by the executive committee and pay



174 a civil penalty in an amount set by the executive committee, not  
175 to exceed Five Thousand Dollars (\$5,000.00) per incident.

176 (2) Any person who is required to complete a course of  
177 training under subsection (1)(a) of this section shall be  
178 responsible for paying for the cost of the training.

179 (3) Any excavator who violates this chapter may be issued a  
180 notice of violation by the inspector, and the inspector may  
181 require any excavator to cease work on any excavation, or not  
182 start a proposed excavation, until the excavator complies with  
183 this chapter.

184 (4) Enforcement provided by this section shall begin after  
185 the board promulgates rules to carry out its responsibilities  
186 under this chapter.

187 **SECTION 3.** The following shall be codified as Section  
188 77-13-29, Mississippi Code of 1972:

189 77-13-29. **Underground Facilities Damage Prevention Board.**

190 (1) There is created within the Pipeline Safety Division, an  
191 Underground Facilities Damage Prevention Board for the purpose of  
192 enforcing this chapter.

193 (2) It is the intent of the Legislature that the board and  
194 its enforcement activities not be funded by appropriations from  
195 the state budget.

196 (3) The Pipeline Safety Division will provide administrative  
197 and investigative support for the board, both subject to  
198 concurrence by the board. The Pipeline Safety Division shall





199 charge the expenses associated with the administration and  
200 investigative duties of the board back to the board, subject to  
201 concurrence by the board.

202 (4) The board shall be composed of twenty-two (22) members  
203 and all board appointments shall be made by July 31, 2016. The  
204 Governor shall make the appointments specified in paragraphs (a)  
205 through (c) of this subsection (4); the Lieutenant Governor shall  
206 make the appointments specified in paragraphs (d) through (i) of  
207 this subsection (4), and the Speaker of the House shall make the  
208 appointments specified in paragraphs (j) through (o) of this  
209 subsection (4). The board shall consist of one (1) representative  
210 of each of the following interested parties, with each member  
211 having expertise with the subject matter encompassed by the  
212 provisions of this chapter:

213 (a) Mississippi 811, Inc.;

214 (b) Four (4) representatives of the telecommunications  
215 industry, including one (1) representative each of an Incumbent  
216 Local Exchange Carrier (ILEC), a Competitive Local Exchange  
217 Carrier (CLEC), an Interexchange Carrier (IEC) and a Data  
218 Provider;

219 (c) Excavation contractors;

220 (d) Electric power industry investor-owned utilities;

221 (e) Electric Power Associations of Mississippi;

222 (f) Railroad industry;

223 (g) Mississippi Department of Transportation;



- 224 (h) Cable television industry;
- 225 (i) Mississippi rural water;
- 226 (j) Insurance industry;
- 227 (k) The Mississippi Public Service Commission Pipeline
- 228 Safety Division;
- 229 (l) Utility locators;
- 230 (m) Natural gas distribution;
- 231 (n) Liquid transmission;
- 232 (o) Natural gas transmission;
- 233 (p) Mississippi design engineers, appointed by the
- 234 Executive Director of the Mississippi Society of Professional
- 235 Engineers;
- 236 (q) Mississippi surveyors appointed by the Executive
- 237 Director of the Mississippi Association of Professional Surveyors,
- 238 Inc.;
- 239 (r) Mississippi county government appointee, who is
- 240 appointed by the Executive Director of the Mississippi Supervisors
- 241 Association; and
- 242 (s) Mississippi municipality appointee, appointed by
- 243 the Executive Director of the Mississippi Municipal League.
- 244 (5) The initial term of the representatives provided in
- 245 subsection (4) (a) through (e) of this section shall end December
- 246 31, 2017; the initial term of the representatives provided in
- 247 subsection (4) (f) through (k) of this section shall end December
- 248 31, 2019; and the initial term of the representatives provided in



249 subsection (4) (1) through (s) of this section shall end December  
250 31, 2021. Upon the expiration of the initial term of any member  
251 of the board, his or her successor shall be appointed for a term  
252 of five (5) years.

253 (6) The Governor shall appoint the initial chairman of the  
254 board, and the initial board shall elect other officers as the  
255 board deems necessary. The board shall meet and elect a chairman  
256 and other officers every two (2) years thereafter. The staff of  
257 Mississippi 811 shall serve as staff support for the board.

258 (7) The board shall meet no less than twice each year, with  
259 a date and time to be set by its chairman upon at least five (5)  
260 business days' notice provided by United States mail, electronic  
261 mail or personal delivery to every board member.

262 (8) Twelve (12) members of the board shall constitute a  
263 quorum and a majority vote of those present and voting at any  
264 meeting shall be necessary to transact business.

265 (9) The members of the board shall be immune, individually  
266 and jointly, from civil liability for any act or omission done or  
267 made in the performance of their duties while serving as members  
268 of the board, but only in the absence of willful misconduct.

269 (10) The members of the board shall serve without  
270 compensation.

271 (11) The board shall elect an executive committee, which  
272 shall be responsible for levying civil penalties and taking action



273 as described in Section 77-13-27. The executive committee shall  
274 be composed of the following members of the board:

275 (a) One (1) member from subsection (4)(c) of this  
276 section;

277 (b) One (1) member from a state agency or local  
278 government; and

279 (c) One (1) member from a utility as defined by Section  
280 77-13-3(b).

281 (12) A member serving on the executive committee shall be  
282 limited to two (2) consecutive one-year terms.

283 (13) The board and the executive committee may hold meetings  
284 and vote by telephone, television, or other electronic means.

285 **SECTION 4.** The following shall be codified as Section  
286 77-13-31, Mississippi Code of 1972:

287 77-13-31. **Powers of the board.** (1) The board has the power  
288 and authority to:

289 (a) Promulgate rules to carry out its responsibilities  
290 under this chapter no later than December 31, 2016.

291 (b) Make and enter into contracts.

292 (2) The board shall:

293 (a) Through its executive committee, initiate  
294 investigations and conduct hearings as required by this section;

295 (b) Manage the Underground Damage Prevention Fund  
296 created by Section 73-13-33;



297 (c) Assess its annual operating cost to operators in an  
298 amount equal to the amount necessary to offset the cost of  
299 investigative and administrative services performed by the  
300 Pipeline Safety Division at the direction of the board. The  
301 annual operating costs shall be apportioned in a proportional  
302 manner and collected by Mississippi 811 from the operators; and

303 (d) Subject to the availability of funding in the  
304 Underground Damage Prevention Fund created by Section 73-13-35,  
305 contract with appropriate entities or agencies to conduct training  
306 and public awareness for damage prevention.

307 **SECTION 5.** The following shall be codified as Section  
308 77-13-33, Mississippi Code of 1972:

309 77-13-33. (1) Upon receipt of a complaint of a violation of  
310 this chapter, the executive committee shall initiate an  
311 investigation of the complaint by requesting that the Pipeline  
312 Safety Division designate an employee of the authority who will  
313 investigate the complaint at the executive committee's direction.

314 (2) Any investigator acting at the direction of the  
315 executive committee may issue citations for violations of this  
316 chapter. Any citation may include a recommendation for the  
317 penalty to be assessed under Section 77-13-27.

318 (3) If the person to whom the citation is issued under  
319 subsection (2) of this section does not pay the citation or submit  
320 to ordered training, or both, within thirty (30) days, then the  
321 executive committee shall appoint a hearing officer to conduct a



322 hearing and issue an initial order. The hearing shall be held at  
323 the time and place set forth in the citation notice of hearing.  
324 The hearing shall be conducted in the county where the excavation  
325 referenced in the citation occurred, unless otherwise agreed to by  
326 the person to whom the citation was issued. In the event the  
327 excavation occurred in more than one (1) county, then the hearing  
328 shall be conducted in the county where the greatest amount of  
329 excavation referenced in the citation occurred.

330 (4) An appeal of the initial order shall be heard by the  
331 executive committee.

332 (5) A person aggrieved by the final order may, within sixty  
333 (60) days, seek judicial review in the Chancery Court of Hinds  
334 County, Mississippi.

335 (6) Evidence of findings of fact, civil penalties, or any of  
336 the actions or proceedings pursuant to this chapter shall not be  
337 admissible in any other civil causes of action. This chapter  
338 shall not limit any person's right to pursue any additional civil  
339 remedy otherwise allowed by law.

340 (7) Nothing in this chapter shall grant the executive  
341 committee or the board jurisdiction over damage to utilities  
342 located above the ground.

343 **SECTION 6.** The following shall be codified as Section  
344 73-13-35, Mississippi Code of 1972:

345 73-13-35. **Underground Damage Prevention Fund.** There is  
346 created an Underground Damage Prevention Fund within the Pipeline



347 Safety Division. All civil penalties collected pursuant to this  
348 chapter shall be deposited into the Underground Damage Prevention  
349 Fund. Any monies remaining in the underground damage prevention  
350 fund at the end of the fiscal year shall not revert to the general  
351 fund, but shall remain in the underground damage prevention fund  
352 for the exclusive use of the board. The expenditure of monies in  
353 the underground damage prevention fund shall be at the discretion  
354 of the board to carry out its duties under this chapter. Excess  
355 funds shall be used to support public awareness programs, training  
356 and education programs for excavators, operators, line locators,  
357 and other persons to reduce the number and severity of violations  
358 of this chapter.

359 **SECTION 7.** The following shall be codified as Section  
360 73-13-37, Mississippi Code of 1972:

361 73-13-37. **Scope of authority.** The administrative and  
362 investigative support provided by the Pipeline Safety Division to  
363 the board in an advisory capacity only, and nothing in this  
364 chapter shall expand the jurisdiction of the Pipeline Safety  
365 Division or the commission in any way.

366 **SECTION 8.** Section 77-13-5, Mississippi Code of 1972, is  
367 brought forward as follows:

368 77-13-5. (1) In addition to complying with all other  
369 applicable regulations and requirements of federal, state, county  
370 and municipal authorities, no person shall engage in excavation of



371 any kind, before meeting the notification requirements of this  
372 chapter. Under this chapter the excavator shall:

373 (a) Inform himself/herself of the presence and location  
374 of any underground utility lines and underground facilities in or  
375 near the area where excavation is to be conducted;

376 (b) Plan and conduct the excavation to avoid or  
377 minimize interference with or damage to underground utility lines  
378 and underground facilities in or near the excavation area;  
379 maintain a clearance between any underground utility line or  
380 underground facility and the cutting edge or point of any  
381 mechanical excavating equipment, taking into account the known  
382 limit of control of such cutting edge or point, as may be  
383 reasonably necessary to avoid damage to such facility; and provide  
384 such support for underground utility lines or underground  
385 facilities in and near the excavation area, including during any  
386 backfilling operations, as may be reasonably necessary for the  
387 protection of such facilities.

388 (c) Except as provided in Section 77-13-11, provide not  
389 less than two (2) and not more than ten (10) working days' advance  
390 written, electronic or telephonic notice of the commencement,  
391 extent, location and duration of the excavation work to  
392 Mississippi 811, Inc., so that Mississippi 811, Inc., operator(s)  
393 may locate and mark the location of underground utility lines and  
394 underground facilities in the excavation area.





395           The written, electronic or telephonic notice required by this  
396 paragraph (c) shall contain the name, address and telephone number  
397 of the person filing the notice of intent, the person responsible  
398 for the excavation, the starting date, anticipated duration, type  
399 of excavation to be conducted, the location of the proposed  
400 excavation and whether or not explosives are to be used.

401           (2) The markings provided by operators and the locate  
402 request number shall only be valid for a period of fourteen (14)  
403 calendar days from the date and time the locate request ticket is  
404 processed or entered into the system by Mississippi 811, Inc. The  
405 person responsible for the excavation project shall renew the  
406 notification with Mississippi 811, Inc., at least two (2) and not  
407 more than three (3) working days prior to this expiration date and  
408 shall continue to renew such notification in the same manner  
409 throughout the duration of the excavation. Such renewal notice  
410 shall be valid for a period of fourteen (14) calendar days from  
411 the date and time the renewal locate request is processed or  
412 entered into the system by Mississippi 811, Inc.

413           (3) Compliance with the notice requirements of this section  
414 shall not be required of: (a) persons plowing less than  
415 twenty-four (24) inches in depth for agricultural purposes; (b)  
416 persons who are moving or otherwise displacing, by hand, earth,  
417 rock or other material or mass of material on or below the ground  
418 at a depth of less than twelve (12) inches on property they own;  
419 and (c) persons, other than the property owner, who are moving or



420 otherwise displacing, by hand, earth, rock or other material or  
421 mass of material on or below the ground at a depth of less than  
422 twelve (12) inches, except when such excavation is in a clearly  
423 marked underground facility right-of-way.

424       **SECTION 9.** Section 77-13-7, Mississippi Code of 1972, is  
425 brought forward as follows:

426       77-13-7. (1) Each person responsible for any excavation  
427 that results in damage to an underground utility line or  
428 underground facility, immediately upon discovery of such damage,  
429 shall notify Mississippi One-Call System, Inc., and notify all  
430 operators of such damaged line or facility of the location of the  
431 damage and shall allow the operator reasonable time to accomplish  
432 any necessary repairs before completing the excavation in the  
433 immediate area of the damage to such line or facility.

434       (2) Each person responsible for any excavation that results  
435 in damage to an underground pipeline or underground facility  
436 permitting the escape of any hazardous, flammable, toxic or  
437 corrosive gas or liquid shall, immediately upon discovery of such  
438 damage, notify Mississippi One-Call System, Inc., and the operator  
439 and take other action as may reasonably be necessary to protect  
440 persons and property and to minimize the hazards, until arrival of  
441 the operator's personnel and the police or fire departments.

442       (3) Except where the excavator has fully complied with the  
443 provisions of Section 77-13-5 and subsections (1) and (2) of this  
444 section, each person responsible for excavation that results in



445 damage to an underground line or underground facility, except the  
446 property owner, unless the property owner is the excavator, shall  
447 be responsible for any and all costs and expenses incurred by the  
448 operator in restoring, correcting, repairing or replacing the  
449 damaged line or facility.

450 **SECTION 10.** Section 77-13-9, Mississippi Code of 1972, is  
451 brought forward as follows:

452 77-13-9. (1) Every person owning or operating underground  
453 utility lines or underground facilities shall, upon receiving  
454 advance notice of the commencement of excavation, in accordance  
455 with Section 77-13-7, make an investigation, and may report  
456 through the use of the PRIS the status of the work performed,  
457 within two (2) working days from the time notice is provided in  
458 accordance with this chapter to the Mississippi 811, Inc., to  
459 determine the approximate location of its underground utility  
460 lines or underground facilities in the area of the proposed  
461 excavation, and shall either: (a) mark the approximate location  
462 of underground utility lines and underground facilities in or near  
463 the area of the excavation, so as to enable the person engaged in  
464 excavation work to locate the lines and facilities in advance of  
465 and during the excavation work; (b) advise in writing or by  
466 telephone or electronic means that it has no underground utility  
467 lines or underground facilities in the excavation area; or (c)  
468 advise in writing or by telephone or electronic means that it can  
469 locate its underground utility lines or underground facilities in



470 the excavation area only by excavation. If an operator can locate  
471 its underground utility lines or underground facilities in the  
472 excavation area only by excavation and has given proper notice of  
473 such, that operator shall be allowed a reasonable amount of  
474 additional time, not to exceed four (4) working days from the day  
475 the original notice was provided in accordance with this chapter,  
476 to mark the approximate location of the underground utility lines  
477 or underground facilities.

478 (2) In lieu of such marking, the operator may request to be  
479 present at the site upon commencement of the excavation, so long  
480 as the operator complies within two (2) working days of the  
481 receipt of the notice.

482 (3) When an excavator, upon arriving at an excavation site,  
483 sees evidence of unmarked underground utility lines or underground  
484 facilities or encounters an unmarked underground utility line or  
485 underground facility on an excavation site after excavation has  
486 commenced where notice of intent has been made in accordance with  
487 the provisions of this chapter, that excavator must immediately  
488 contact Mississippi 811, Inc. All operator(s) thus notified must  
489 contact the excavator within four (4) hours and inform the  
490 excavator of any of their known underground facilities, active or  
491 abandoned, at the site of the excavation.

492 (4) When marking the approximate location of the facilities,  
493 the operator shall follow the color code designated and described



494 herein, unless otherwise provided for by specific administrative  
495 rule or regulation promulgated pursuant to this chapter, namely:

496 UTILITY OR TYPE OF FACILITY	GROUP IDENTIFYING COLOR
497 Electric	Safety Red
498 Petroleum Product/Hazardous/ 499 Flammable/Corrosive/Toxic 500 Materials, Product and Steam 501 Lines, Gas or Gaseous Material	High Visibility Safety 502 Yellow
503 Telecommunications (including fiber 504 optic) and CATV	Safety Alert Orange
505 Potable Water	Safety Precaution Blue
506 Reclaimed Water, Irrigation, 507 Slurry Lines	Purple
508 Sewer and Drain Lines	Safety Green
509 Temporary Survey Markings	High Visibility Pink
510 Proposed Excavation	White

511 (5) All utility facilities installed by owners or operators  
512 of utilities on or after January 1, 2010, shall be installed in  
513 such manner that the utility facility may be located by using a  
514 generally accepted electronic locating method.

515 (6) Except for emergency excavations, if, before the  
516 expiration of the two (2) working days waiting period, all  
517 identified facility owners or operators have responded to the  
518 locate request and all have indicated that their facilities are



519 either not in conflict or have been marked as indicated through  
520 the use of the PRIS, then the person planning to perform  
521 excavation or blasting shall be authorized to commence work,  
522 subject to the other requirements of this section, without waiting  
523 the full two (2) working days.

524         **SECTION 11.** This act shall take effect and be in force from  
525 and after July 1, 2016, and shall stand repealed on June 30, 2016.

