

By: Senator(s) Barnett

To: Energy

SENATE BILL NO. 2222

1 AN ACT TO AMEND SECTION 77-13-9, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE THAT ANY UTILITY FACILITY INSTALLED BY OWNERS OR OPERATORS
 3 OF UTILITIES ON OR AFTER JULY 1, 2019, SHALL BE INSTALLED IN SUCH
 4 MANNER THAT THE UTILITY HAS A CERTAIN DISTANCE BETWEEN EACH
 5 UTILITY; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 77-13-9, Mississippi Code of 1972, is
 8 amended as follows:

9 77-13-9. (1) Every person owning or operating underground
 10 utility lines or underground facilities shall, upon receiving
 11 advance notice of the commencement of excavation, in accordance
 12 with Section 77-13-7, make an investigation, and may report
 13 through the use of the PRIS the status of the work performed,
 14 within two (2) working days from the time notice is provided in
 15 accordance with this chapter to Mississippi 811, Inc., to
 16 determine the approximate location of its underground utility
 17 lines or underground facilities in the area of the proposed
 18 excavation, and shall either: (a) mark the approximate location
 19 of underground utility lines and underground facilities in or near



20 the area of the excavation, so as to enable the person engaged in
21 excavation work to locate the lines and facilities in advance of
22 and during the excavation work; (b) advise in writing or by
23 telephone or electronic means that it has no underground utility
24 lines or underground facilities in the excavation area; or (c)
25 advise in writing or by telephone or electronic means that it can
26 locate its underground utility lines or underground facilities in
27 the excavation area only by excavation. If an operator can locate
28 its underground utility lines or underground facilities in the
29 excavation area only by excavation and has given proper notice of
30 such, that operator shall be allowed a reasonable amount of
31 additional time, not to exceed four (4) working days from the day
32 the original notice was provided in accordance with this chapter,
33 to mark the approximate location of the underground utility lines
34 or underground facilities.

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

39 (3) When an excavator, upon arriving at an excavation site,
40 sees evidence of unmarked underground utility lines or underground
41 facilities or encounters an unmarked underground utility line or
42 underground facility on an excavation site after excavation has
43 commenced where notice of intent has been made in accordance with
44 the provisions of this chapter, that excavator must immediately



45 contact Mississippi 811, Inc. All operator(s) thus notified must
46 contact the excavator within four (4) hours and inform the
47 excavator of any of their known underground facilities, active or
48 abandoned, at the site of the excavation.

49 (4) When marking the approximate location of the facilities,
50 the operator shall follow the color code designated and described
51 herein, unless otherwise provided for by specific administrative
52 rule or regulation promulgated pursuant to this chapter, namely:

53 UTILITY OR TYPE OF FACILITY	GROUP IDENTIFYING COLOR
54 Electric	Safety Red
55 Petroleum Product/Hazardous/ 56 Flammable/Corrosive/Toxic 57 Materials, Product and Steam 58 Lines, Gas or Gaseous Material	High Visibility Safety 59 Yellow
60 Telecommunications (including fiber 61 optics) and CATV	Safety Alert Orange
62 Potable Water	Safety Precaution Blue
63 Reclaimed Water, Irrigation, 64 Slurry Lines	Purple
65 Sewer and Drain Lines	Safety Green
66 Temporary Survey Markings	High Visibility Pink
67 Proposed Excavation	White

68 (5) (a) All utility facilities installed by owners or
69 operators of utilities on or after January 1, 2010, shall be



70 installed in such manner that the utility facility may be located
71 by using a generally accepted electronic locating method.

72 (b) Any utility facility installed by owners or
73 operators of utilities on or after July 1, 2019, shall be
74 installed in such manner that the utility has a distance of
75 thirty-six (36) inches laterally between each utility.

76 (6) Except for emergency excavations, if, before the
77 expiration of the two (2) working days' waiting period, all
78 identified facility owners or operators have responded to the
79 locate request and all have indicated that their facilities are
80 either not in conflict or have been marked as indicated through
81 the use of the PRIS, then the person planning to perform
82 excavation or blasting shall be authorized to commence work,
83 subject to the other requirements of this section, without waiting
84 the full two (2) working days.

85 (7) Upon receiving a design information request, the utility
86 owner or operator shall within seven (7) working days from the
87 time notice is provided in accordance with this chapter to
88 Mississippi 811, Inc., respond by one (1) of the following
89 methods: (a) marking the approximate location of its underground
90 utility lines and underground facilities in the area in accordance
91 with subsection (1) of this section; (b) providing to the person
92 making the design information request the best available
93 description of its underground utility lines and underground
94 facilities in the area which may include drawings or other records



95 maintained by the utility owner or operator; or (c) allowing the
96 person making the design information request or any other
97 authorized person to inspect or copy the drawings or other records
98 for all underground utility lines and utility facilities in the
99 area.

100 **SECTION 2.** This act shall take effect and be in force from
101 and after July 1, 2019.

