

By: Representative Ellis

To: Public Utilities

HOUSE BILL NO. 1502

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

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

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

9 45-15-9. (1) If any person desires to carry on any
10 function, activity, work or operation in closer proximity to any
11 high voltage overhead line than permitted by this chapter, the
12 person responsible for performing the work shall promptly notify
13 the electric utility operating the high voltage overhead line by
14 providing notice to Mississippi One-Call System, Inc., as
15 established under Chapter 13, Title 77, Mississippi Code of 1972,
16 or where the electric utility operating the high voltage overhead
17 line is not a member of Mississippi One-Call System, Inc., then by
18 providing notice, in writing, on a form to be provided by such
19 electric utility. Notwithstanding which method of notice is used,
20 the person shall not perform the work until mutually satisfactory
21 arrangements have been made between such electric utility and the
22 person or business entity responsible for performing the work to
23 deter contact with the high voltage overhead lines, as provided in
24 subsection (3) below; however, this requirement shall not apply to
25 persons lawfully occupying the land where the line is located and
26 engaged in the regular and ordinary functions and activities of
27 farming, ranching or other agricultural pursuits.



28 (2) Any person performing work within ten (10) feet of any
29 high voltage overhead line operated by an electric utility that is
30 a member of Mississippi One-Call System, Inc., shall provide to
31 Mississippi One-Call System, Inc., a work notice which must be
32 given to Mississippi One-Call System, Inc., in writing,
33 electronically or telephonically before the beginning of the
34 actual work. The notice must be reasonable, considering the work
35 to be done; however, the notice may not be provided less than
36 forty-eight (48) hours before the scheduled commencement of the
37 work, exclusive of holidays and weekends, except in emergency
38 situations that include police, fire and rescue emergencies, in
39 which case the notice must be made as soon as possible. The work
40 notice must contain the name, address and telephone number of the
41 person filing the work notice, the person responsible for the
42 work, the commencement date of the work, the anticipated duration
43 of the work, the type of work to be conducted and the location of
44 the proposed work. The person giving the work notice to
45 Mississippi One-Call System, Inc., must be furnished with an
46 individual reference file number for each notification and
47 offered, by Mississippi One-Call System, Inc., the name of the
48 electric utility to whom the notification will be transmitted.

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

58 (a) The electric utility shall be directed to commence
59 work under protest; such person shall pay the electric utility for
60 the work in accordance with the cost proposal, but shall be



61 entitled to seek recovery of all or any part of the money paid to
62 the electric utility in binding arbitration as is * * * provided
63 for in this section; or

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

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

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



94 operating the high voltage overhead lines is not easily known, the
95 Mississippi Public Service Commission shall, upon request, provide
96 the name, address and telephone number of such utility for
97 notification purposes.

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

100 45-15-11. No person shall operate any crane, derrick, power
101 shovel, drilling rig, pile driver, hoisting equipment or similar
102 apparatus, or any part thereof, which could be brought within ten
103 (10) feet of any high voltage overhead line, unless:

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

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

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

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

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

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



126 **SECTION 2.** This act shall take effect and be in force from
127 and after July 1, 2002.

