

By: Representative Powell

To: Public Utilities

HOUSE BILL NO. 594

1 AN ACT TO AMEND SECTION 77-13-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE AN ADDITIONAL EXCEPTION TO THE EXCAVATION NOTICE
3 REQUIREMENTS FOR CERTAIN DEMOLITION OR EXCAVATION THAT OCCURS AS A
4 RESULT OF ELECTRIC POWER GENERATION ACTIVITIES; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 77-13-5, Mississippi Code of 1972, is
8 amended as follows:

9 77-13-5. (1) In addition to complying with all other
10 applicable regulations and requirements of federal, state, county
11 and municipal authorities, no person shall engage in excavation of
12 any kind, before meeting the notification requirements of this
13 chapter. Under this chapter the excavator shall:

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

17 (b) Plan and conduct the excavation to avoid or
18 minimize interference with or damage to underground utility lines
19 and underground facilities in or near the excavation area;

20 maintain a clearance between any underground utility line or
21 underground facility and the cutting edge or point of any
22 mechanical excavating equipment, taking into account the known
23 limit of control of such cutting edge or point, as may be
24 reasonably necessary to avoid damage to such facility; and provide
25 such support for underground utility lines or underground
26 facilities in and near the excavation area, including during any
27 backfilling operations, as may be reasonably necessary for the
28 protection of such facilities.

29 (c) Except as provided in Section 77-13-11, before
30 beginning any excavation, other than an impending emergency as
31 defined in Section 77-13-3, provide not less than three (3) and
32 not more than ten (10) working days' advance written, electronic
33 or telephonic notice of the commencement, extent, location and
34 duration of the excavation work to Mississippi 811, Incorporated,
35 so that Mississippi 811, Incorporated, operator(s) may locate and
36 mark the location of underground utility lines and underground
37 facilities in the excavation area. The advance written,
38 electronic or telephonic notice required by this subsection shall
39 not be required where a qualified operator using reasonable care
40 so as to protect himself and any underground facility that may be
41 in the area, uses a hand-powered probe rod to locate that
42 operator's underground facilities for the purpose of underground
43 facility mapping.

44 The written, electronic or telephonic notice required by this
45 paragraph (c) shall contain the name, address and telephone number
46 of the person filing the notice of intent, the person responsible
47 for the excavation, the starting date, anticipated duration, type
48 of excavation to be conducted, the location of the proposed
49 excavation, which is limited to an area the excavator reasonably
50 believes may be completed within fourteen (14) calendar days from
51 the date and time the locate request ticket is processed or
52 entered into the Mississippi 811, Inc., system and does not
53 include any area in which the excavator has already completed the
54 excavation work, and whether or not explosives are to be used.

55 In addition to all other violations of this chapter,
56 providing advanced written notification required by this paragraph
57 (c) where the proposed excavation location could not reasonably be
58 completed within fourteen (14) calendar days from the date and
59 time the locate request ticket is processed or entered into the
60 Mississippi 811, Inc., system or where the proposed excavation
61 location includes any area in which the excavator has already
62 completed the excavation work shall constitute violations of this
63 chapter.

64 Prior to providing the advance notice to Mississippi 811,
65 Inc., as required by this paragraph (c), the excavator shall
66 pre-mark the approximate boundary of the proposed excavation area
67 with white paint, flags or stakes. Where an excavator pre-marks
68 the proposed excavation area with a single stake or other

69 single-point indicator, that excavator represents that the
70 proposed excavation area does not exceed fifty (50) feet in any
71 direction from the pre-mark. Pre-marking of the proposed
72 excavation area with white paint, flags or stakes shall not be
73 required if the area can be defined in the advance written,
74 electronic or telephonic notice by a street address, lot and block
75 number, distance from a driveway or street intersection, or by
76 other geographical descriptions more specifically described in the
77 rules and regulations adopted by the Board.

78 (d) Provide advance written, electronic or telephonic
79 notice of the commencement, extent, location and duration of the
80 excavation work to Mississippi 811, Incorporated, for excavations
81 required due to an impending emergency, that includes an
82 excavation start time that is not less than twelve (12) hours from
83 the time of notices provided between 8:00 p.m. and 11:59 a.m., and
84 not sooner than 8:00 a.m., on the next calendar day for notices
85 provided between 12:00 p.m. and 7:59 p.m., so that Mississippi
86 811, Incorporated, operators may locate and mark the location of
87 underground utility lines and underground facilities in the
88 excavation area.

89 In addition to the written, electronic or telephonic notice
90 information required in subsection (1)(c) of this section, the
91 excavator shall also provide contact information for a person
92 readily available to discuss the impending emergency excavation
93 with operators.

94 (2) The markings provided by operators and the locate
95 request number shall only be valid for a period of fourteen (14)
96 calendar days from the date and time the locate request ticket is
97 processed or entered into the system by Mississippi 811,
98 Incorporated. The person responsible for the excavation project
99 shall renew the notification with Mississippi 811, Incorporated,
100 at least three (3) and not more than four (4) working days prior
101 to this expiration date and shall continue to renew such
102 notification in the same manner throughout the duration of the
103 excavation. Such renewal notice shall be valid for a period of
104 fourteen (14) calendar days from the date and time the renewal
105 locate request is processed or entered into the system by
106 Mississippi 811, Incorporated. The proposed excavation location
107 on a renewal locate request ticket shall not include any area in
108 which the excavator has already completed the excavation work. In
109 addition to all other violations of this chapter, renewing a
110 locate request ticket that includes any area within the proposed
111 excavation location in which the excavator has already completed
112 the excavation work shall constitute a violation of this chapter.

113 (3) Compliance with the notice requirements of this section
114 shall not be required of: (a) persons plowing less than
115 twenty-four (24) inches in depth for agricultural purposes; (b)
116 persons who are moving or otherwise displacing, by hand, earth,
117 rock or other material or mass of material on or below the ground
118 at a depth of less than twelve (12) inches on property they

119 own; * * * (c) persons, other than the property owner, who are
120 moving or otherwise displacing, by hand, earth, rock or other
121 material or mass of material on or below the ground at a depth of
122 less than twelve (12) inches, except when such excavation is in a
123 clearly marked underground facility right-of-way; and (d) any
124 excavation or demolition that occurs as the result of electric
125 power generation activities, provided such activities are confined
126 to the immediate secured property of the facility and the
127 activities are not performed on any operator's marked
128 right-of-way, easement, or permitted use.

129 (4) A person may make a written, electronic or telephonic
130 design information request to Mississippi 811, Incorporated, so
131 that owners and operators of utilities may locate underground
132 utility lines and underground facilities in the design information
133 area. The design information request shall contain the name,
134 address, and telephone number of the person making the request,
135 the type of project planned, and a description of the area to be
136 located with sufficient particularity to enable the utility owner
137 or operator to ascertain the precise tract or parcel of land
138 involved.

139 (5) (a) Notwithstanding any other provision of this chapter
140 to the contrary, the procedures and requirements set forth in this
141 subsection (5) shall apply on the site of any excavation involving
142 trenchless excavation, including directional boring, where the

143 approximate location of underground utility lines or underground
144 facilities has been marked in compliance with Section 77-13-9.

145 (b) The excavator shall not use power-driven equipment
146 for trenchless excavation, including directional boring, across or
147 within the marked approximate location of underground utility
148 lines or underground facilities unless, when reasonably practical,
149 the excavator exposes the planned trenchless excavation path by a
150 noninvasive method such as hand digging, pot holing when
151 practical, soft digging, vacuum methods, use of pressurized air or
152 water, or pneumatic hand tools and then carefully and prudently
153 monitors the horizontal and vertical location of the trenchless
154 excavation device in a manner calculated to enable the device to
155 be visually observed by the excavator as it crosses the entire
156 width of the marked approximate location of the underground
157 facilities.

158 (c) For trenchless excavations, including directional
159 boring, parallel to the marked approximate location of underground
160 utility lines or underground facilities, the excavator shall, when
161 reasonably practical, use a noninvasive method such as hand
162 digging, pot holing when practical, soft digging, vacuum methods,
163 use of pressurized air or water, or pneumatic hand tools to
164 identify the actual location of the underground utility facility
165 at careful and prudent intervals.

166 **SECTION 2.** This act shall take effect and be in force from
167 and after July 1, 2025.