

By: Senator(s) Carter

To: Energy

SENATE BILL NO. 2365

1 AN ACT TO AMEND SECTION 77-13-3, MISSISSIPPI CODE OF 1972, TO  
 2 DEFINE TERMS; TO AMEND SECTION 77-13-5, MISSISSIPPI CODE OF 1972,  
 3 TO CLARIFY PROVISIONS REGARDING NOTICE OF PLANNED EXCAVATION; TO  
 4 INCLUDE SUBMERGED EXCAVATIONS; TO PROHIBIT EXCAVATIONS WITHIN THE  
 5 TOLERANCE ZONE EXCEPT UPON SATISFACTION OF CERTAIN CONDITIONS; TO  
 6 PROVIDE REQUIREMENTS FOR SUBMERGED EXCAVATIONS; TO AMEND SECTION  
 7 77-13-9, MISSISSIPPI CODE OF 1972, TO INCLUDE SUBMERGED  
 8 FACILITIES; TO REQUIRE OPERATORS TO PERFORM THEIR OBLIGATIONS  
 9 WITHIN CERTAIN TIMELINES; TO AMEND SECTION 77-13-11, MISSISSIPPI  
 10 CODE OF 1972, TO REQUIRE EXCAVATORS TO PROVIDE CONTACT INFORMATION  
 11 FOR A PERSON WHO WILL BE PRESENT AT THE SITE OF EXCAVATION; TO  
 12 CREATE NEW SECTION 77-13-12, MISSISSIPPI CODE OF 1972, TO PROVIDE  
 13 FOR LARGE PROJECT EXCAVATIONS; TO AMEND SECTION 77-13-17,  
 14 MISSISSIPPI CODE OF 1972, TO INCLUDE SUBMERGED FACILITIES; AND FOR  
 15 RELATED PURPOSES.

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

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

19 77-13-3. The words defined in this section shall have the  
 20 following meanings when found in this chapter:

21 (a) "Abandoned facility" means any underground utility  
 22 line or underground utility facilities no longer used in the  
 23 conduct of the owner/operator's business and are not intended to  
 24 be used in the future.



25 (b) "Approximate location of underground utility lines  
26 or underground facilities" means information about an operator's  
27 underground utility lines or underground facilities which is  
28 provided to a person by an operator and must be accurate within  
29 eighteen (18) inches measured horizontally from the outside edge  
30 of each side of such operator's facility, or a strip of land  
31 eighteen (18) inches either side of the operator's field mark, or  
32 the marked width of the facility or line plus eighteen (18) inches  
33 on each side of the marked width of the facility or line. The  
34 approximate location of submerged facilities means information  
35 about an operator's submerged facilities which is provided to a  
36 person by an operator and must be accurate within fifteen (15)  
37 feet of the submerged facility marks.

38 (c) "Board" means the Underground Facilities Damage  
39 Prevention Board, created by Section 77-13-29.

40 (d) "Calendar day" means a twenty-four-hour period.

41 (e) "Commission" means the Mississippi Public Service  
42 Commission.

43 (f) "Damage" means the substantial weakening of  
44 structural or lateral support of underground utility lines \* \* \*,  
45 underground facilities or submerged facilities, penetration or  
46 destruction of any protective coating, housing or other protective  
47 devices of an underground utility line \* \* \*,  
48 underground facility  
49 or submerged facility, and the partial or complete severance of  
any underground utility line \* \* \*,  
underground facility or



50 submerged facility, but does not include any operator's abandoned  
51 facility.

52 (g) "Design Information Request" means a notification  
53 made to Mississippi 811, \* \* \* Inc., by a person providing  
54 professional services and making a request in preparation for  
55 bidding, preconstruction engineering, or other advance planning  
56 efforts that do not involve excavation. A design information  
57 services request may not be used for excavation purposes.

58 (h) "Emergency excavation" means excavation at times of  
59 emergency involving imminent danger to life, health or property or  
60 a customer service outage.

61 (i) "Excavate or excavation" means any operation in  
62 which earth, rock or other material or mass of material on or  
63 below the ground or submerged, is moved or otherwise displaced by  
64 any means, except: (i) the tilling of the soil less than  
65 twenty-four (24) inches in depth for agricultural purposes; or  
66 (ii) an operation in which earth, rock or other material or mass  
67 of material on or below the ground is moved or otherwise displaced  
68 to a depth of less than twelve (12) inches on private property by  
69 the property owner without the use of mechanical excavating  
70 equipment; or (iii) an operation in which earth, rock or other  
71 material or mass of material on or below the ground is moved or  
72 otherwise displaced without the use of mechanical excavating  
73 equipment to a depth of less than twelve (12) inches on private  
74 property by an excavator who is not the property owner, except



75 when such excavation is in a clearly marked underground facility  
76 right-of-way; or (iv) routine railroad maintenance activities  
77 conducted within the track structure, drainage ditches, or within  
78 the railroad right-of-way, a distance not to exceed thirty (30)  
79 feet from the outside rail of the outermost track or tracks,  
80 provided this work is performed by railroad employees or railroad  
81 contractors and is carried out with reasonable care so as to  
82 protect any underground facilities properly installed in the  
83 railroad right-of-way by agreement with the railroad; or (v)  
84 routine activities of a cemetery, provided that for any cemetery  
85 that begins or expands after July 1, 2015, such activities occur  
86 only after initial notice is provided to Mississippi 811 \* \* \*  
87 Inc., and all affected operators have advised that there are no  
88 underground facilities within the boundaries of the subject  
89 cemetery; or (vi) routine maintenance activities carried out by or  
90 for those responsible for publicly maintained roadways and  
91 rights-of-way, provided that the activities occur entirely within  
92 the public right-of-way and do not penetrate the earth to a depth  
93 of more than twelve (12) inches and are carried out with  
94 reasonable care so as to protect any underground facilities placed  
95 in the right-of-way. Routine maintenance activities shall be more  
96 specifically described in the rules and regulations adopted by the  
97 board; or (vii) the driving of wooden stakes by use of hand tools  
98 which do not penetrate the earth to a depth of not more than six  
99 (6) inches. The term "excavate" shall include, but not be limited



100 to, the operations of demolition, blasting, grading, land  
101 leveling, trenching, digging, ditching, drilling, augering,  
102 directional boring, tunneling, scraping, cable or pipe plowing,  
103 driving, jacking, wrecking, razing, rending, dredging and  
104 anchoring, moving or removing any structure or other material or  
105 mass of material on or below the ground.

106 (j) "Excavator" means any person who engages directly  
107 in excavation.

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

119 (l) "Mechanical excavating equipment" means all  
120 equipment powered by any motor, engine, or hydraulic or pneumatic  
121 device used for excavating and shall include, but not be limited  
122 to, trenchers, bulldozers, backhoes, power shovels, scrapers,  
123 draglines, clam shells, dredging equipment, augers, drills, cable  
124 and pipe plows and other plowing-in or pulling-in equipment.



125 (m) "Mississippi 811, \* \* \* Inc.," means a nonprofit  
126 corporation organized under the laws of the State of Mississippi  
127 that provides a service through which a person shall notify the  
128 operator(s) of underground facilities of plans to excavate and  
129 request marking of facilities.

130 (n) "Mississippi One-Call System, Incorporated," means  
131 "Mississippi 811, \* \* \* Inc." Whenever the term "Mississippi  
132 One-Call System, Incorporated," appears in this chapter, the term  
133 shall mean "Mississippi 811, \* \* \* Inc."

134 (o) "Operator" means any person who owns or operates a  
135 utility. However, the term "operator" shall not include any  
136 railroad or the Mississippi Department of Transportation.

137 (p) "Person" means any individual, firm, partnership,  
138 association, trustee, receiver, assignee, corporation, entity,  
139 limited liability company, utility, joint venture, municipality,  
140 state governmental unit, subdivision or instrumentality of the  
141 state, or any legal representative thereof.

142 (q) "Pipeline Safety Division" means the Pipeline  
143 Safety Division of the Public Service Commission.

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



149           (s) "Underground facility" means any underground  
150 utility lines and other items which shall be buried \* \* \*, placed  
151 below ground or submerged for use in connection with underground  
152 utility lines and including, but not be limited to, pipes, sewers,  
153 conduits, cables, valves, lines, wires, manholes, vaults,  
154 attachments and those portions of poles below the ground.

155           (t) "Underground utility lines" means  
156 underground \* \* \*, buried or submerged cable, conduit pipes and  
157 related facilities for transportation and delivery of electricity,  
158 telecommunications (including fiber optics), water, sewage, gas,  
159 mixtures of gases, petroleum, petroleum products or hazardous,  
160 flammable, toxic or corrosive liquids.

161           (u) "Utility" means any person who supplies,  
162 distributes or transports by means of underground utility lines or  
163 underground facilities any of the following materials or services:  
164 gas, mixture of gases, petroleum, petroleum products or hazardous,  
165 toxic, flammable or corrosive liquids, electricity,  
166 telecommunications (including fiber optics), sewage, drainage,  
167 water, steam or other substances.

168           (v) "Working day" means a twenty-four-hour period  
169 commencing from the time the locate request ticket is processed or  
170 entered into the \* \* \* Mississippi 811, \* \* \* Inc. system, in  
171 accordance with this chapter, excluding Saturdays, Sundays and  
172 legal holidays.



173 (w) "Impending Emergency" means circumstances  
174 potentially dangerous to life, health, property, or loss of  
175 customer services, which would likely develop into an emergency,  
176 as defined in Section 77-13-11, if excavation is not initiated  
177 sooner than the normal notification requirements allow.

178 (x) "Locate request ticket" means an electronic  
179 document generated by the Mississippi 811, Inc. system, which  
180 includes the information described in Section 77-13-5 \* \* \* (1)(a).

181 (y) "Trenchless excavation" means horizontal excavation  
182 parallel to the surface of the earth, which does not use trenching  
183 or vertical digging as the primary means of excavation, including,  
184 but not limited to, directional boring, tunneling, or augering.

185 (z) "Electronic pre-marking " means a process in which  
186 the excavator submits a locate request ticket through the Web  
187 Portal and simultaneously pre-marks the approximate boundary of  
188 the proposed excavation area in the Mississippi 811 Web Portal map  
189 by drawing lines, points, or polygon geometries, providing a clear  
190 visual of the proposed excavation or demolition area.

191 (aa) "Large project excavation" means an excavation  
192 project that an excavator determines cannot be reasonably  
193 completed within seventeen (17) calendar days from the time the  
194 locate request ticket is processed in the Mississippi 811, Inc.  
195 system, or for submerged excavation, thirty (30) calendar days  
196 from the time the locate request ticket is processed in the  
197 Mississippi 811, Inc. system, due to its large area or complexity.





198           (bb) "Marine exclusion zone" means a strip measured  
199 seventy-five (75) feet from the outside edge of both sides of the  
200 submerged facility marks on a horizontal plane.

201           (cc) "Preconstruction meeting" means an in-person,  
202 video, or telephonic meeting held among a large project excavator,  
203 its contractors, all operators with underground lines, underground  
204 facilities or submerged facilities in the area of a large project  
205 excavation, and the operators' locators to discuss the large  
206 project excavation, and facilitate the exchange of maps, plans,  
207 excavation and locating schedules, contact information, and other  
208 information related to the large project excavation.

209           (dd) "Preconstruction meeting ticket" means an  
210 electronic document generated by the Mississippi 811, Inc. system  
211 and transmitted to operators with underground utility lines,  
212 underground facilities or submerged facilities in the area of the  
213 large project excavation, for the purposes of facilitating a  
214 preconstruction meeting in advance of a large project excavation.

215           (ee) "Submerged excavation" means excavation that  
216 occurs under a body of water, including rivers, lakes, waterways,  
217 bays, the sea, and arms of the sea.

218           (ff) "Submerged facility" means an underground facility  
219 or underground utility line that is normally submerged under a  
220 body of water, including rivers, lakes, waterways, bays, the sea,  
221 and arms of the sea.



222            (gg) "Tolerance zone" means a strip of land measured  
223 eighteen (18) inches, plus one-half (1/2) of the diameter of the  
224 underground facility or underground utility if such diameter is  
225 indicated at the marks, from the outside edge of both sides of the  
226 marks on a horizontal plane.

227            (hh) "Web portal" means an online platform operated and  
228 maintained by Mississippi 811, Inc., that allows excavators to  
229 electronically submit and track locate request tickets and allows  
230 facility owners or operators to submit information to the positive  
231 response information system.

232            **SECTION 2.** Section 77-13-5, Mississippi Code of 1972, is  
233 amended as follows:

234            77-13-5. \* \* \*

235            ( \* \* \*1) Except for emergency excavation as provided in  
236 Section 77-13-11, impending emergency excavation as provided in  
237 paragraph (c) of this subsection, and submerged excavation as  
238 provided in subsection (8) of this section, before beginning any  
239 excavation, \* \* \* the excavator shall:

240            (a) Provide not less than three (3) and not more than  
241 ten (10) working days' advance written, electronic or telephonic  
242 notice of the commencement, extent, location and duration of the  
243 excavation work to Mississippi 811, \* \* \* Inc., so that \* \* \* a  
244 locate request ticket may be processed, notifying  
245 operator(s) \* \* \* to locate and mark the location of underground  
246 utility lines and underground facilities in the excavation area.



247 The advance written, electronic or telephonic notice required by  
248 this subsection shall not be required where a qualified operator  
249 using reasonable care so as to protect himself and any underground  
250 facility that may be in the area, uses a hand-powered probe rod to  
251 locate that operator's underground facilities for the purpose of  
252 underground facility mapping.

253 The written, electronic or telephonic notice required by this  
254 paragraph ( \* \* \* a) shall contain the name, address and telephone  
255 number of the person filing the notice of intent, the person  
256 responsible for the excavation, the starting date, anticipated  
257 duration, type of excavation to be conducted, the location of the  
258 proposed excavation, which is limited to an area the excavator  
259 reasonably believes may be completed within \* \* \* seventeen (17)  
260 calendar days from the date and time the locate request ticket is  
261 processed \* \* \* in the Mississippi 811, Inc., system and does not  
262 include any area in which the excavator has already completed the  
263 excavation work, and whether or not explosives are to be used.

264 In addition to all other violations of this chapter,  
265 providing advanced written notification required by this paragraph  
266 ( \* \* \* a) where the proposed excavation location could not  
267 reasonably be completed within \* \* \* seventeen (17) calendar days  
268 from the date and time the locate request ticket is  
269 processed \* \* \* in the Mississippi 811, Inc., system or where the  
270 proposed excavation location includes any area in which the



271 excavator has already completed the excavation work shall  
272 constitute violations of this chapter.

273           **(b)** Prior to providing the advance notice to  
274 Mississippi 811, Inc., as required by \* \* \* paragraph (a) of this  
275 subsection, the excavator shall pre-mark the approximate boundary  
276 of the proposed excavation area with white paint, flags \* \* \*,  
277 stakes or electronic pre-marking. Where an excavator pre-marks  
278 the proposed excavation area with a single stake or other  
279 single-point indicator, that excavator represents that the  
280 proposed excavation area does not exceed fifty (50) feet in any  
281 direction from the pre-mark. Pre-marking of the proposed  
282 excavation area shall not exceed the actual area of excavation.  
283 Pre-marking of the proposed excavation area with white paint,  
284 flags \* \* \*, stakes or electronic pre-marking shall not be  
285 required \* \* \* for excavation performed on property owned by the  
286 excavator where the proposed excavation area can be clearly and  
287 adequately defined and described in the locate request ticket.

288           **( \* \* \*c)** Provide advance written, electronic or  
289 telephonic notice of the commencement, extent, location and  
290 duration of the excavation work to Mississippi 811, \* \* \* Inc.,  
291 for excavations required due to an impending emergency, that  
292 includes an excavation start time that is not less than twelve  
293 (12) hours from the time of notices provided between 8:00 p.m. and  
294 11:59 a.m., and not sooner than 8:00 a.m., on the next calendar  
295 day for notices provided between 12:00 p.m. and 7:59 p.m., so



296 that \* \* \* a locate request tickets may be processed, informing  
297 operators \* \* \* to locate and mark the location of underground  
298 utility lines and underground facilities in the excavation area.

299 In addition to the written, electronic or telephonic notice  
300 information required in \* \* \* paragraph ( \* \* \* a) of this  
301 subsection, the excavator shall also provide contact information  
302 for a person readily available to discuss the impending emergency  
303 excavation with operators.

304 (2) Except for submerged excavation, the markings provided  
305 by operators and the locate request number shall only be valid for  
306 a period of \* \* \* seventeen (17) calendar days from the date and  
307 time the locate request ticket is processed \* \* \* by Mississippi  
308 811, Inc. system. The excavator shall preserve all markings until  
309 they are no longer required for proper and safe excavation. When  
310 a mark is no longer visible, but the excavator's work continues in  
311 the vicinity of underground facilities, underground lines or  
312 submerged facilities, the excavator shall notify Mississippi 811,  
313 Inc. of the need for a remark. An excavator shall not make  
314 repeated requests for remarking unless necessary due to  
315 circumstances not reasonably within the control of the excavator.

316 (3) Except for submerged excavation, the person responsible  
317 for the excavation project shall renew the notification with  
318 Mississippi 811, \* \* \* Inc., at least three (3) and not more than  
319 four (4) working days prior to this expiration date and shall  
320 continue to renew such notification in the same manner throughout



321 the duration of the excavation. Such renewal notice shall be  
322 valid for a period of \* \* \* seventeen (17) calendar days from the  
323 date and time the renewal locate request is processed \* \* \* in the  
324 Mississippi 811, \* \* \* Inc. system. The proposed excavation  
325 location on a renewal locate request ticket shall not include any  
326 area in which the excavator has already completed the excavation  
327 work. In addition to all other violations of this chapter,  
328 renewing a locate request ticket that includes any area within the  
329 proposed excavation location in which the excavator has already  
330 completed the excavation work shall constitute a violation of this  
331 chapter.

332 ( \* \* \*4) Compliance with the notice requirements of this  
333 section shall not be required of: (a) persons plowing less than  
334 twenty-four (24) inches in depth for agricultural purposes; (b)  
335 persons who are moving or otherwise displacing, by hand, earth,  
336 rock or other material or mass of material on or below the ground  
337 at a depth of less than twelve (12) inches on property they own;  
338 and (c) persons, other than the property owner, who are moving or  
339 otherwise displacing, by hand, earth, rock or other material or  
340 mass of material on or below the ground at a depth of less than  
341 twelve (12) inches, except when such excavation is in a clearly  
342 marked underground facility right-of-way.

343 (5) In addition to complying with this act and all other  
344 applicable regulations and requirements of federal, state, county  
345 and municipal authorities, no person shall engage in excavation of



346 any kind within the tolerance zone unless the excavator satisfies  
347 all of the following conditions:

348 (a) Determines the precise location of all marked  
349 underground facilities and underground lines in or near the area  
350 where the excavation is to be conducted using noninvasive methods  
351 of excavation such as hand digging, potholing, soft digging,  
352 vacuum methods, use of pressurized air or water, pneumatic hand  
353 tools or other similar procedures;

354 (b) Plans and conducts the excavation to avoid or  
355 minimize interference with or damage to underground utility lines  
356 and underground facilities in or near the excavation area;

357 (c) Maintains a clearance between any underground  
358 utility line or underground facility and the cutting edge or point  
359 of any mechanical excavating equipment, taking into account the  
360 known limit of control of such cutting edge or point, as may be  
361 reasonably necessary to avoid damage to such facility; and

362 (d) Provides such support for underground utility lines  
363 and underground facilities in and near the excavation area,  
364 including during any backfilling operations, as may be reasonably  
365 necessary for the protection of such facilities.

366 ( \* \* \*6) A person may make a written, electronic or  
367 telephonic design information request to Mississippi 811, \* \* \*  
368 Inc., so that owners and operators of utilities may locate  
369 underground utility lines \* \* \*, underground facilities and  
370 submerged facilities in the design information area. The design



371 information request shall contain the name, address, and telephone  
372 number of the person making the request, the type of project  
373 planned, and a description of the area to be located with  
374 sufficient particularity to enable the utility owner or operator  
375 to ascertain the precise tract or parcel of land involved.

376 ( \* \* \*7) (a) Notwithstanding any other provision of this  
377 chapter to the contrary, the procedures and requirements set forth  
378 in this subsection ( \* \* \*7) shall apply on the site of any  
379 excavation involving trenchless excavation, including directional  
380 boring, where the approximate location of underground utility  
381 lines or underground facilities has been marked in compliance with  
382 Section 77-13-9.

383 (b) The excavator shall not use power-driven equipment  
384 for trenchless excavation, including directional boring, across or  
385 within the \* \* \* tolerance zone unless, when reasonably practical,  
386 the excavator exposes the planned trenchless excavation path by a  
387 noninvasive method such as hand digging, potholing when practical,  
388 soft digging, vacuum methods, use of pressurized air or water, or  
389 pneumatic hand tools and then carefully and prudently monitors the  
390 horizontal and vertical location of the trenchless excavation  
391 device in a manner calculated to enable the device to be visually  
392 observed by the excavator as it crosses the entire width of  
393 the \* \* \* tolerance zone.

394 (c) For trenchless excavations, including directional  
395 boring, parallel to the \* \* \* tolerance zone, the excavator shall,





396 when reasonably practical, use a noninvasive method such as hand  
397 digging, potholing when practical, soft digging, vacuum methods,  
398 use of pressurized air or water, or pneumatic hand tools to  
399 identify the actual location of the underground utility facility  
400 at careful and prudent intervals.

401 (8) (a) Before beginning any submerged excavation, the  
402 excavator shall provide not less than seven (7) working days'  
403 advance written, electronic or telephonic notice of the  
404 commencement, extent, location and duration of the submerged  
405 excavation work to Mississippi 811, Inc., so that a locate request  
406 ticket may be processed notifying operator(s) to locate and mark  
407 the location of submerged facilities in the excavation area. The  
408 written, electronic or telephonic notice required by this  
409 subsection (8) shall contain the name, address and telephone  
410 number of the person filing the notice of intent, the person  
411 responsible for the excavation, the starting date, anticipated  
412 duration, type of excavation to be conducted, and the location of  
413 the proposed excavation which is limited to an area the excavator  
414 reasonably believes may be completed within thirty (30) calendar  
415 days from the date and time the locate request ticket is processed  
416 in the Mississippi 811, Inc. system and does not include any area  
417 in which the excavator has already completed the excavation work,  
418 and whether or not explosives are to be used. In addition to all  
419 other violations of this chapter, providing advanced written  
420 notification required by this paragraph (a) where the proposed



421 submerged excavation location could not reasonably be completed  
422 within thirty (30) calendar days from the date and time the locate  
423 request ticket is processed in the Mississippi 811, Inc. system or  
424 where the proposed excavation location includes any area in which  
425 the excavator has already completed the excavation work shall  
426 constitute violations of this chapter. Prior to providing the  
427 advance notice to Mississippi 811, Inc., as required by this  
428 paragraph (a), the excavator shall pre-mark the approximate  
429 boundary of the proposed excavation area with white paint, flags,  
430 stakes, or electronic pre-marking.

431 (b) For submerged facilities, the markings provided by  
432 operators and the locate request ticket shall be valid for a  
433 period of thirty (30) calendar days from the date and time the  
434 locate request ticket is processed in the Mississippi 811, Inc.  
435 system. The person responsible for the excavation project shall  
436 renew the notification with Mississippi 811, Inc., at least seven  
437 (7) and not more than ten (10) working days prior to this  
438 expiration date and shall continue to renew such notification in  
439 the same manner throughout the duration of the excavation. Such  
440 renewal notice shall be valid for a period of thirty (30) calendar  
441 days from the date and time the renewal locate request ticket is  
442 processed in the Mississippi 811, Inc. system. The proposed  
443 excavation location on a renewal locate request ticket shall not  
444 include any area in which the excavator has already completed the  
445 excavation work. In addition to all other violations of this



446 chapter, renewing a locate request ticket that includes any area  
447 within the proposed submerged excavation location in which the  
448 excavator has already completed the excavation work shall  
449 constitute a violation of this chapter.

450 (c) A person seeking to excavate within the marine  
451 exclusion zone shall request consent from operators with submerged  
452 facilities located within the marine exclusion zone, and in such  
453 instances, the operators shall in good faith, respond to and  
454 consult with the requesting excavator. No excavation may occur  
455 within the marine exclusion zone without the written consent from  
456 operators with submerged facilities located within the marine  
457 exclusion zone, and said consent shall not be unreasonably  
458 withheld.

459 **SECTION 3.** Section 77-13-9, Mississippi Code of 1972, is  
460 amended as follows:

461 77-13-9. (1) Every person owning or operating underground  
462 utility lines \* \* \*, underground facilities or submerged  
463 facilities shall, upon receiving advance notice of the  
464 commencement of excavation, in accordance with Section 77-13-5,  
465 make an investigation \* \* \*, to determine the approximate location  
466 of its underground utility lines \* \* \*, underground facilities and  
467 submerged facilities in the area of the proposed excavation, and  
468 shall either: (a) mark the approximate location of underground  
469 utility lines \* \* \*, underground facilities and submerged  
470 facilities in or near the area of the excavation, so as to enable



471 the person engaged in excavation work to locate the lines and  
472 facilities in advance of and during the excavation work and notify  
473 the excavator through the PRIS that the facilities have been  
474 marked; or (b) advise through the PRIS that it has no underground  
475 utility lines \* \* \*, underground facilities or submerged  
476 facilities in the excavation area \* \* \*.

477 (2) \* \* \* Unless otherwise agreed in writing between the  
478 operator and the excavator, the operator shall perform its  
479 obligations described in subsection (1) of this section within the  
480 following times:

481 (a) Standard excavation: For an underground utility  
482 line or underground facility in the area of excavation, within  
483 three (3) working days from the time the locate request ticket is  
484 processed in accordance with Section 77-13-5(1) (a). If an  
485 operator can locate its underground utility lines or underground  
486 facilities in the excavation area only by excavation, the operator  
487 shall provide notice of such through PRIS and that operator shall  
488 be allowed a reasonable amount of additional time, not to exceed  
489 four (4) working days from the time the locate request ticket is  
490 processed in accordance with Section 77-13-5(1) (a), to mark the  
491 approximate location of the underground utility lines or  
492 underground facilities. In lieu of marking described in  
493 subsection (1) of this section, the operator may request to be  
494 present at the site upon commencement of the excavation, so long  
495 as the operator complies within three (3) working days from the



496 time the locate request ticket is processed in accordance with  
497 Section 77-13-5(1) (a).

498 (b) Submerged excavation: For a submerged facility in  
499 the area of submerged excavation, within seven (7) working days  
500 from the time the locate request ticket is processed in accordance  
501 with Section 77-13-5(8).

502 (c) Emergency excavation: For an underground utility  
503 line or underground facility in the area of an emergency  
504 excavation, within two (2) hours from the time the locate request  
505 ticket is processed in accordance with Section 77-13-11.

506 (d) Impending emergency excavation: For an underground  
507 utility line or underground facility in the area of impending  
508 emergency excavation, prior to the start time of excavation  
509 provided in the locate request ticket in accordance with Section  
510 77-13-5(1) (c).

511 (3) Prior to and during excavation, the excavator shall  
512 inspect the excavation site and inform himself or herself of the  
513 presence of marks and evidence of unmarked underground utility  
514 lines or underground facilities on the excavation site. When an  
515 excavator, upon arriving at an excavation site, sees evidence of  
516 unmarked underground utility lines or underground facilities or  
517 encounters an unmarked underground utility line or underground  
518 facility on an excavation site after excavation has commenced  
519 where notice of intent has been made in accordance with the  
520 provisions of this chapter, that excavator must immediately



521 contact Mississippi 811, \* \* \* Inc. All operator(s) thus notified  
522 must contact the excavator within two (2) hours and inform the  
523 excavator of any of their known underground facilities, active or  
524 abandoned, at the site of the excavation.

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

529 UTILITY OR TYPE OF FACILITY	GROUP IDENTIFYING COLOR
530 Electric	Safety Red
531 Petroleum Product/Hazardous/ 532 Flammable/Corrosive/Toxic 533 Materials, Product and Steam 534 Lines, Gas or Gaseous Material	High Visibility Safety 535 Yellow
536 Telecommunications (including fiber 537 optics) and CATV	Safety Alert Orange
538 Potable Water	Safety Precaution Blue
539 Reclaimed Water, Irrigation, 540 Slurry Lines	Purple
541 Sewer and Drain Lines	Safety Green
542 Temporary Survey Markings	High Visibility Pink
543 Proposed Excavation	White

544 (5) All utility facilities installed by owners or operators  
545 of utilities on or after January 1, 2010, shall be installed in



546 such manner that the utility facility may be located by using a  
547 generally accepted electronic locating method.

548 (6) \* \* \* If, before the expiration of the \* \* \* times set  
549 forth in subsection (2) of this section, all identified facility  
550 owners or operators have responded to the locate request and all  
551 have indicated that their facilities are either not in conflict or  
552 have been marked as indicated through the use of the PRIS, then  
553 the person planning to perform excavation or blasting shall be  
554 authorized to commence work, subject to the other requirements of  
555 this section, without waiting \* \* \* for the times set forth in  
556 subsection (2) of this section to expire.

557 (7) Upon receiving a design information request, the utility  
558 owner or operator shall within seven (7) working days from the  
559 time notice is provided in accordance with this chapter to  
560 Mississippi 811, \* \* \* Inc., respond by one (1) of the following  
561 methods: (a) marking the approximate location of its underground  
562 utility lines \* \* \* , underground facilities and submerged  
563 facilities in the area in accordance with subsection (1) of this  
564 section; (b) providing to the person making the design information  
565 request the best available description of its underground utility  
566 lines \* \* \* , underground facilities and submerged facilities in  
567 the area which may include drawings or other records maintained by  
568 the utility owner or operator; or (c) allowing the person making  
569 the design information request or any other authorized person to



570 inspect or copy the drawings or other records for all underground  
571 utility lines and utility facilities in the area.

572 \* \* \*

573 **SECTION 4.** Section 77-13-11, Mississippi Code of 1972, is  
574 amended as follows:

575 77-13-11. (1) The advance notice provisions of this chapter  
576 shall not \* \* \* be required of any person making an emergency  
577 excavation at times of emergency involving an imminent danger to  
578 life, health or property or a customer service outage. However,  
579 every person who shall engage in such emergency excavation shall  
580 take all necessary and reasonable precautions to avoid or minimize  
581 interference with or damage to existing underground utility lines  
582 and underground facilities in and near the excavation area, and  
583 shall notify Mississippi 811, \* \* \* Inc., of the specifically  
584 designated emergency excavation as promptly as reasonably possible  
585 so that operators may locate and mark the location of underground  
586 utility lines and underground facilities in the specifically  
587 designated emergency excavation area. In addition to the written,  
588 electronic or telephonic notice information required in Section  
589 77-13-5(1)(a), the excavator shall also provide contact  
590 information for a person who is or will be present at the site of  
591 the emergency excavation and will be readily available to discuss  
592 the emergency excavation with operators. In the event of damage  
593 to or dislocation of any underground utility lines or underground  
594 facilities caused by any such emergency excavation work, the





595 person responsible for the excavation shall immediately notify the  
596 operator of the damaged or dislocated underground facilities of  
597 the damage or dislocation.

598 (2) An imminent danger to life, health, property or customer  
599 service exists whenever there is a substantial likelihood that  
600 injury, loss of life, health or customer services, or substantial  
601 property loss could result before the person responsible for the  
602 excavation or demolition can fully comply with the notification  
603 and response procedures required in Sections 77-13-7 and 77-13-17.

604 (3) Any misrepresentation of either an emergency excavation  
605 or an impending emergency as defined in Section 77-13-3, shall  
606 constitute a violation of this chapter.

607 **SECTION 5.** The following shall be codified as Section  
608 77-13-12, Mississippi Code of 1972:

609 77-13-12. (1) If an excavator determines that the planned  
610 excavation will be a large project excavation, the excavator may  
611 request a preconstruction meeting by submitting notice to  
612 Mississippi 811, Inc. In the notice, the excavator shall provide  
613 the following information:

614 (a) The location, date, and time of the preconstruction  
615 meeting which shall occur no sooner than ten (10) working days  
616 after submission of the notice;

617 (b) The location of the proposed excavation;

618 (c) The names, addresses, telephone numbers and email  
619 addresses of the person responsible for the excavation, the



620 excavator's preconstruction meeting contact person, and  
621 representatives of all known contractors and subcontractors that  
622 will perform work on the excavation;

623 (d) The expected starting date of the excavation which  
624 shall occur no sooner than ten (10) working days after the  
625 preconstruction meeting date;

626 (e) The anticipated duration of the excavation; and

627 (f) The types of excavation to be conducted, and  
628 whether or not explosives are to be used.

629 (2) Upon receipt of the notice of preconstruction meeting  
630 from the excavator, the Mississippi 811, Inc. system will generate  
631 a preconstruction meeting ticket, and operators may report through  
632 the use of PRIS their intent to attend the meeting. The  
633 excavator, operators with underground lines, underground  
634 facilities, or submerged facilities in the area of the large  
635 project excavation, and all other persons who will perform  
636 excavation work or utility locating services may participate in  
637 the preconstruction meeting to exchange contact information and  
638 attempt to reach agreement on the scope of the excavation work,  
639 the dates of excavation activities, the operators' locating  
640 schedule, and any other details that the excavator and operators  
641 agree should be included in a written excavation agreement. If an  
642 operator is unable to attend the preconstruction meeting, that  
643 operator may meet separately or otherwise communicate with the  
644 excavator to discuss the details of the excavation and attempt to



645 agree on the excavation terms. The written excavation agreement  
646 shall be considered valid only if signed by the excavator and all  
647 operators with underground lines, underground facilities or  
648 submerged facilities in the area of the excavation.

649 (3) If the excavator and operators execute a valid written  
650 excavation agreement, the excavator shall perform the large  
651 project excavation according to the terms of the written agreement  
652 and shall also submit advance notices of excavation and perform  
653 all excavation work in accordance with Section 77-13-5. For all  
654 locate request tickets processed in accordance with Section  
655 77-13-5 as part of the large project excavation, operators shall  
656 perform their utility\_locating obligations in accordance with  
657 Section 77-13-9. If after the written excavation agreement  
658 becomes valid, the excavator determines that the excavation dates  
659 will be delayed or the scope of the large project excavation area  
660 will increase, the excavator and all operators with underground  
661 lines, underground facilities or submerged facilities in the area  
662 of the excavation shall either execute a revised written  
663 excavation agreement or the excavator shall submit a new  
664 preconstruction meeting notice.

665 (4) If a written excavation agreement is not signed by the  
666 excavator and all operators with underground lines, underground  
667 facilities, or submerged facilities in the area of the large  
668 project excavation at least three (3) working days prior to the  
669 expected starting date of the excavation, the large project



670 excavation classification shall be deemed null and void, the large  
671 project excavation ticket shall be canceled, and the excavator  
672 shall provide advance notice of and conduct the excavation in  
673 accordance with Section 77-13-5.

674 **SECTION 6.** Section 77-13-17, Mississippi Code of 1972, is  
675 amended as follows:

676 77-13-17. (1) Any operator who fails to follow, abide by or  
677 comply with this chapter shall be responsible for the cost or  
678 expense the excavator shall incur as a direct result of the  
679 failure of the operator to follow, abide by or comply with the  
680 provisions of this chapter.

681 (2) Operators who have underground utility lines \* \* \*,  
682 underground facilities or submerged facilities within the State of  
683 Mississippi shall be a member of Mississippi 811, Inc.

684 (3) The person giving notice of the intent to excavate to  
685 Mississippi 811, Inc., shall be furnished an individual locate  
686 request number for each notification and, upon request, shall be  
687 furnished the names of the operators to whom the notification will  
688 be transmitted.

689 (4) An adequate record of all notifications shall be  
690 maintained by Mississippi 811, Inc., in order to document timely  
691 compliance with this chapter. These records shall be retained for  
692 a period of not less than four (4) years and shall be made  
693 available at a reasonable cost upon proper and adequate advance  
694 request.



695 (5) The services of Mississippi 811, Inc., will be provided  
696 on working days as defined in Section 77-13-3( \* \* \*y) at least  
697 between the hours of 7:30 a.m. and 5:00 p.m.

698 (6) Mississippi 811, Inc., will voice-record the  
699 notification telephone calls and after-hour calls will at least  
700 reach a voice recording which explains emergency notification  
701 procedures.

702 (7) All operators shall provide Mississippi 811, Inc., the  
703 following information:

704 (a) A list of counties, cities and towns in which the  
705 operator has underground utility lines \* \* \*, underground  
706 facilities or submerged facilities in each county.

707 (b) A digital map, paper map or geospatial information  
708 showing the location of the operator's underground utility  
709 lines \* \* \*, underground facilities and submerged facilities or  
710 for other reasons wish to receive notification of proposed  
711 excavation.

712 (c) An update on an annual basis of each operator's  
713 underground utility lines \* \* \*, underground facilities and  
714 submerged facilities for the State of Mississippi.

715 **SECTION 7.** This act shall take effect and be in force from  
716 and after July 1, 2025.

