

# 2025 Excavation Law Amendments Summary

Please note: This document contains a summary of upcoming legislative changes prepared by Mississippi 811. It is intended for informational purposes only and should not be considered legal advice or a definitive interpretation of the law. For the exact legislative language, please refer to HB1191. Mississippi 811 assumes no liability for any actions taken or not taken based on the information in this document. These changes will take effect on July 1, 2025.

## Physical Pre-Marking Exceptions (aka White-Lining)

See sections 77-13-3 (z)(hh), 77-13-5 (1b)

- The following wording was removed:
  - ~~Physical pre-marking is not required if an address, lot and block number, distance from a driveway or street intersection, or other geographic descriptions adopted by the Board are provided on the locate request ticket.~~
- An exception for property owners was added:
  - Physical pre-marking is not required if the excavation is performed on property owned by the excavator and the proposed excavation area is clearly and adequately described in the locate request ticket.
- An electronic pre-marking exception was added:
  - "**Electronic pre-marking**" is defined as a process in which the excavator submits a locate request ticket through the Web Portal and simultaneously pre-marks the approximate boundary of the proposed excavation area on the Mississippi 811 Web Portal map by drawing lines, points, or polygon geometries, providing a clear visual of the proposed excavation or demolition area.
  - Physical pre-marking is not required if the proposed excavation area is electronically pre-marked.
  - Locate request tickets must be completed in full by the excavator; tickets processed by MS811 agents do not qualify as electronically pre-marked.
  - Permission to perform electronic pre-marking is granted only after completing brief training with MS811 staff.
  - How to Electronically Pre-Mark:
    1. The excavator must fill in the required information on the portal locate request form.
    2. Pre-mark the extent of the proposed excavation area on the portal map.
      - The marked area must not exceed the actual area of excavation.
    3. Submit the request.
      - The ticket number and utilities notified will be displayed immediately if the user has the required permissions.
  - How to View Electronic-Pre-Markings:
    1. Click on the ticket number hyperlink provided in the email, or
    2. Go to the portal (no login required) > select "Find Tickets" > Enter Ticket Number > Click Search button > Click "Show Map".
      - There will be a field on the ticket that indicates when a ticket has been electronically pre-marked.
      - If the electronically pre-marked area is inconsistent with the written description of the area described in the locate request ticket, the written description must be used.
  - **MS811 will be disabling the system-generated "Work Area Buffer" display setting to help prevent potential confusion when reviewing electronic pre-markings.** This buffer is used solely for internal processing purposes and does not represent the actual area designated by the excavator. Disabling this display will ensure that operators see only the true work area as pre-marked by the excavator, providing greater clarity and reducing the risk of misinterpretation during ticket review.

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## **Longer Locate Request Ticket Life**

See sections 77-13-5 (1a)(2)(3)

- The locate request ticket life will be extended from 14 to 20 calendar days. This will affect the following locate request ticket types:
  - *Normal*
  - *Emergency*
  - *Impending Emergency*
  - *Short Notice*
  - *Design*

## **Preserving Markings**

See sections 77-13-5 (2)

- The excavator will be required to preserve all markings until they are no longer needed for proper and safe excavation. This means that reasonable care must be taken to avoid disturbing or destroying the markings.
- If marks become unclear while work continues, the excavator must contact MS811 for a remark.
- Repeated remark requests may only be made when necessary due to circumstances beyond the excavator's control.

## **Tolerance Zone**

See sections 77-13-3 (gg), 77-13-5 (5a-d)(7b-c)

- The "**tolerance zone**" is defined as a strip of land measured 18 inches, plus one-half of the diameter of the underground facility or underground utility if the diameter is indicated at the marks, from the outside edge of both sides of the marks on a horizontal plane.
- Before excavating within the tolerance zone, the excavator will be required to:
  - Use non-invasive methods (e.g., hand digging, vacuum excavation) to locate underground facilities.
  - Plan work to minimize damage.
  - Support facilities as needed, including during backfilling.
  - Maintain a safe distance between equipment and utility lines.

## **Emergency Excavation Locate Deadline**

See sections 77-13-5 (1), 77-13-9 (2c), 77-13-11(1)

- Utilities will be required to respond to "Emergency" tickets within 2 hours.
- The excavator will be required to provide contact information for a person who will be on-site during the emergency excavation.

## **Large Project Excavation**

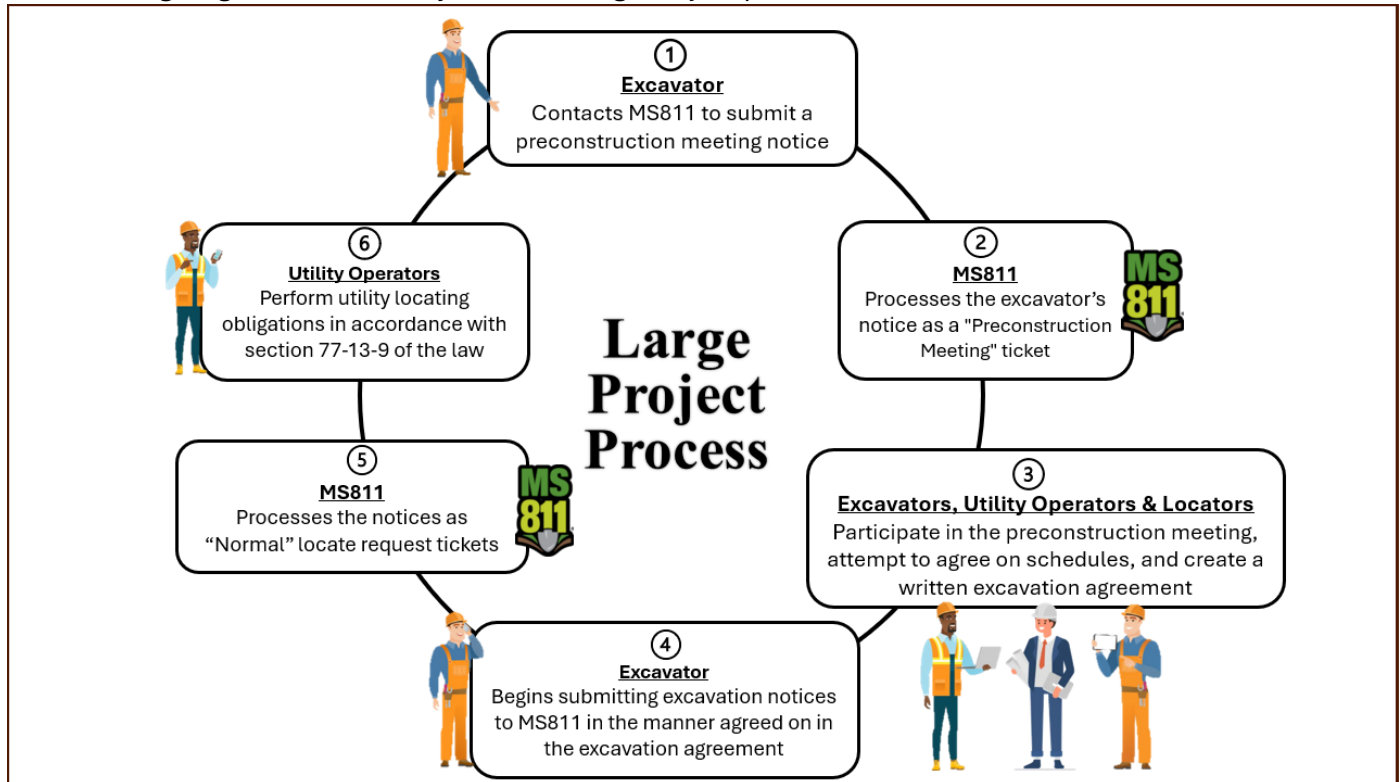
See sections 77-13-3 (aa)(cc)(dd), 77-13-12 (1a-g)(2-4)

A **voluntary** process has been introduced for large complex excavation projects, where excavators, utilities, and locators may collaborate in a preconstruction meeting to align excavation and locating schedules before submitting locate request tickets. This aims to reduce repeated and unnecessary locates by enabling utilities to mark only areas where excavators will be digging at specified times.

- "**Large project excavation**" is defined as an excavation project that an excavator determines cannot be reasonably completed within 20 calendar days or 30 calendar days for submerged excavation due to its large area or complexity.
- Examples of Large Project Excavations:
  - Major highways or railways construction
  - Large-scale land development projects like new subdivisions, shopping centers, hospitals, etc.
  - Large-scale utility projects
  - Projects that span large areas/distances or prolonged durations

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- The following diagram shows the cycle of the Large Project process:



- The following is a detailed breakdown of the large project process:

### “Preconstruction Meeting” Notice

- An excavator that determines that their project will be a large project may request a preconstruction meeting by submitting a notice to MS811 at least 10 working days BEFORE the meeting.
- The excavator must provide the following information to MS811:
  - The meeting location, date, and time.
  - Expected excavation start date, which can be no sooner than 10 working days AFTER the meeting.
  - Location of proposed excavation.
    - This information should reflect the full scope of the project; the standard one-mile-per-ticket limit does not apply.
  - Valid contact information for the person responsible for the excavation, the preconstruction meeting contact person, and representatives of all known contractors and subcontractors involved.
  - Standard information required on all notices (e.g. type of work being performed, expected project duration, etc.).
  - The excavator may request, but is not required, to have an MS811 representative attend the meeting.
- MS811 will process the notice as a “Preconstruction Meeting” ticket and transmit it to all member utilities in the area.
- The utilities notified may submit a response to the Positive Response Information System (PRIS) indicating their intent to attend the meeting.
- Note: Because this is a voluntary process as defined in the law, member utilities will not be charged for 'Preconstruction Meeting' tickets.

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## Preconstruction Meeting & Excavation Agreement

- The excavator, contractors, utility operators, and locators may attend the meeting in person, via video, or by phone.
- The operator may coordinate a separate meeting with the excavator if needed.
- Participants may exchange maps, plans, excavation and locating schedules, contact information, and other information related to the large project excavation.
- Participants will attempt to reach an agreement on the scope of work, excavation dates, locating schedules, etc.
- The terms agreed upon must be included in a written excavation agreement.
- The agreement is only valid if it is signed by both the excavator and all utility operators.
- The excavation agreement must be signed by the excavator and all utility operators at least 3 working days before work begins. If not, the large project classification will become void, and standard procedures must be followed.
- If the excavation is delayed or the project scope changes, the excavator must either revise the agreement with the utility operators or submit a new preconstruction meeting notice.

## Large Project Related Excavation Notices

- If a valid excavation agreement is executed, the excavator must start submitting large project-related excavation notices following the terms and schedules agreed on in the written excavation agreement; however, the standard excavation notice procedures required in section 77-13-5 of the law must be followed.
- The excavator will need to provide their “Preconstruction Meeting” ticket number when submitting large project-related excavation notices.
- Large project-related excavation notices will be processed as “Normal” locate request tickets.
- The 1-mile-per-locate request ticket will apply to these tickets.
- MS811 will transmit the notice to all member utilities in the area.
- The utilities notified shall perform their utility locating obligations following section 77-13-9 of the law.

## Submerged Excavation (aka Underwater, Marine, Subaqueous)

See sections 77-13-3 (b)(f)(i)(k)(l)(t)(bb)(ee)(ff), 77-13-5 (1-3)(6)(8a-c), 77-13-9 (1)(2b)(7a), 77-13-17(2)(7a-c)

Under current law, submerged excavation activities—such as dredging and anchoring—are subject to standard excavation requirements. However, the 3 working day time limits and safe digging distances are impractical and inconsistent with best practices for submerged excavation. Wording has been added to establish a practical process for submerged excavation.

- **"Submerged excavation"** is defined as excavation that occurs under a body of water, including rivers, lakes, waterways, bays, the sea, and arms of the sea.
- Excavators that plan to do submerged excavation work will be required to contact MS811 at least 7 working days before the work to submit a “Submerged” locate request.
  - Utility operators must locate their utilities within 7 working days.
  - The ticket will be valid for 30 calendar days and must be renewed between 7 and 10 working days before expiration.
- In addition to stakes, paint, or other clearly identifiable materials, submerged utilities may also be marked using electronic methods or GPS coordinates.
- Submerged facility marks must be accurate within 15 feet of the actual submerged facility.
- The **"marine exclusion zone"** is defined as a strip measured 75 feet from the outside edge of both sides of the facility marks on a horizontal plane. Written consent from facility operators is required if excavation must occur within this zone.

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### **Submerged Facilities**

See sections 77-13-3 (ff), 77-13-17 (7a-c)

- "**Submerged facility**" has been defined as an underground facility or underground utility line that normally is submerged under a body of water, including rivers, lakes, bays, waterways, the sea, and arms of the sea.
- Operators are required to provide MS811 with the locations of their underground utilities, including submerged utilities, and must update this information annually.

### **Electric Generation Facility Requirements**

See sections 77-13-5 (4d)

Maintenance and upgrades at power plants often involve excavation work. Under the current law, electric utilities are required to notify MS811 of all excavation activities, even though the underground infrastructure at these secure generation sites is entirely owned, operated, and managed by the utility itself. Consequently, external locators must respond to every request submitted to MS811, despite rarely being needed to locate underground facilities. This process imposes unnecessary burdens on locators, reducing their efficiency and limiting their ability to serve other critical needs effectively. To address this issue, the following exception to the 811 notification requirement has been added:

A locate request is not required for excavation activities that occur entirely within the secured property of an electric power generation facility, provided the work does not take place on any marked rights-of-way, easements, or other permitted utility access areas.