

**BEFORE THE UNDERGROUND FACILITIES DAMAGE PREVENTION BOARD
OF THE STATE OF MISSISSIPPI**

**UNDERGROUND FACILITIES
DAMAGE PREVENTION BOARD**

DOCKET NO. 2017-RULES-2

**IN RE: PROPOSAL OF THE UNDERGROUND FACILITIES DAMAGE
 PREVENTION BOARD TO ADOPT ITS RULE ON ROUTINE
 MAINTENANCE ACTIVITIES**

NOTICE OF RULEMAKING DOCKET AND REQUEST FOR COMMENTS

Pursuant to Miss. Code Ann. §77-13-31 the Underground Facilities Damage Prevention Board ("Board") hereby declares its intent to consider the adoption of rules under its authority, more specifically, a rule on routine maintenance activities.

(1) The Board hereby initiates this docket to propose a rule on routine maintenance activities. The docket will be maintained at 5258 Cedar Park Drive, Suite J. A copy of the proposed rule on routine maintenance activities and the Administrative Procedures Notice Filing are collectively attached hereto as Exhibit "A".

(2) Accordingly, the Board opens this docket and seeks submission of written comments on the proposed rule on routine maintenance activities from all interested persons. Any person desiring to submit written comments shall submit them in one of the following manners:

BY WEBSITE: www.msdamageprevention.com

BY EMAIL: enforcement@msdamageprevention.com

BY MAIL: Underground Facilities Damage Prevention Board
 Attn: Rules Docket

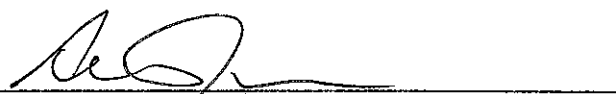
5258 Cedar Park Drive, Suite J
Jackson, MS 39206

(3) The Board shall conduct a hearing to consider written comments and to consider final adoption of the routine maintenance activities rule on August 23, 2017 at 1:30 p.m. at the offices of Electric Cooperatives of Mississippi, 665 Highland Colony Parkway, Ridgeland, MS 39157. Written comments must be received by the Board no later than August 22, 2017 at 9:00 a.m. Written comments shall be available for public inspection at www.msdamageprevention.com no later than 1:00 p.m. on August 22, 2017.

(4) Any interested person desiring to make oral remarks on the routine maintenance activities rule during the August 23, 2017 Board meeting, shall notify the Board prior to the meeting, using the contact information set forth in paragraph two (2) of this notice filing.

Dated, this the 27th day of July, 2017.

UNDERGROUND FACILITIES DAMAGE
PREVENTION BOARD


Alan Jones, Chairman

Mississippi Secretary of State

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Underground Facilities Damage Prevention Board		CONTACT PERSON Miriam Grammar	TELEPHONE NUMBER 601-982-7531	
ADDRESS 5258 Cedar Park Drive, Suite J		CITY Jackson	STATE MS	ZIP 39206
EMAIL enforcement@msdamageprevention.com	SUBMIT DATE July 26, 2017	Name or number of rule(s): Rule on Routine Maintenance Activities		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: The rule would further define "routine maintenance activities" as required by law.

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann. §§ 77-13-31(1)(a); 77-13-3(i)

List all rules repealed, amended, or suspended by the proposed rule: n/a

ORAL PROCEEDING:

- An oral proceeding is scheduled for this rule on Date: August 23, 2017 Time: 1:30 Place: Electric Cooperatives of Mississippi, 665 Highland Colony Parkway, Ridgeland, MS 39157
- Presently, an oral proceeding is not scheduled on this rule.


If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

- Economic impact statement not required for this rule.
- Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original filing <input type="checkbox"/> Renewal of effectiveness To be in effect in _____ days Effective date: <input type="checkbox"/> Immediately upon filing <input type="checkbox"/> Other (specify): _____	Action proposed: <input checked="" type="checkbox"/> New rule(s) <input type="checkbox"/> Amendment to existing rule(s) <input type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: <input type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal adopted as proposed Effective date: <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____

Printed name and Title of person authorized to file rules: Alan Jones, Chairman of Underground Facilities Damage Prevention Board

Signature of person authorized to file rules: 

OFFICIAL FILING STAMP <div style="border: 1px solid black; height: 150px; width: 100%;"></div> Accepted for filing by	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP <div style="border: 1px solid black; height: 150px; width: 100%;"></div> Accepted for filing by	OFFICIAL FILING STAMP <div style="border: 1px solid black; height: 150px; width: 100%;"></div> Accepted for filing by
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The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Title 39: UTILITIES

Part 101: Underground Facilities Damage Prevention Board Rules

Part 101 Subpart 2: Enforcement

Part 101 Subpart 2 Chapter 11: Routine Maintenance Activities

Rule 11.1 For an activity to be Routine Maintenance, the activity must be performed consistent with the requirements of Mississippi Code 77-13-3(i)(vi) and therefore should:

1. Be carried out by or for those responsible for publicly maintained roadways and rights-of-way;
2. Occur entirely within the public right of way;
3. Not penetrate the earth to a depth of more than 12 inches and,
4. Shall be carried out with reasonable care so as to protect any underground facilities placed in the right-of-way.

Source: Miss. Code Ann. §77-13-3(i)

Rule 11.2 The following activities, if performed in accordance with Rule 11.1, shall be considered Routine Maintenance:

1. Grass and brush cutting.
2. Removing dead, dying or other trees considered a hazard to the public.
3. Removing litter, trash, animal carcasses and other debris.
4. Installation of pavement markings.
5. Milling the surface of pavements to remove defective pavement.
6. Roadway base repair requiring excavation and backfill of twelve (12) inches or less.
7. Resurfacing or repairing paved interstates, highways, streets, roads, or sidewalks.
8. Addition of granular material and/or light machine blading of granular surfaces to maintain a roadway surface.
9. Blade away built up grass, soil, granular material, etc. from shoulders to allow proper drainage away from roadway surfaces.
10. Repair washes on roadway shoulders and slopes to replace material that has eroded away.
11. Perform ditch blading to replace material eroded away and to remove material that has silted into ditch to insure proper drainage.
12. Replacing traffic signs and signals in the existing hole.
13. Cleaning debris from inlets and outlets of culverts and box bridges.
14. Bridge repair that does not include driving additional piling.
15. Bridge approach and roadway guardrail repair that does not involve adding new posts.
16. Debris and drift removal from bridges over waterways.

17. Storm drain inlet clean out and repair.

Source: Miss. Code Ann. §77-13-3(i)

Rule 11.3 Work that results in lowering of the elevation of the roadbed, adjacent shoulder or drainage culverts or ditches, except as allowed in 11.2 above, shall be considered Construction and not Routine Maintenance for purposes of these rules.

Source: Miss. Code Ann. §77-13-3(i)