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CONFERENCE COMMITTEE REPORT DIGEST

SB 469

2026 Regular Session

Abraham

Keyword and summary of the bill as proposed by the Conference Committee

UTILITIES. Provides relative to the Louisiana Underground Utilities and Facilities Damage Prevention Law. (8/1/26)

Report adopts House amendments to:

1. Expand the means to determine the approximate location of the utility or facility, including the use of written or electronic information in the form of maps, drawings, or GPS coordinates.
2. Add that the notice required for BEAD Program-funded broadband projects is separate from the notice required for projects as required by present law.
3. Make technical changes.

Report rejects House amendments which would have:

1. Created a rapid dispute resolution process for BEAD Program-funded broadband projects.

Report amends the bill to:

1. Exempt certain parish governments with a population between 383,900 and 448,000 persons according to the most recent federal decennial census, that own or operate underground facilities and adopted an ordinance before December 21, 1998, indicating its desire to be excluded from the requirements of the La. Underground and Facilities Damage Prevention Law.
2. Exempt certain incorporated municipalities having a population between 66,000 and 66,500 persons, according to the most recent federal decennial census from the requirements of the La. Underground and Facilities Damage Prevention Law and requires each incorporated municipality to maintain a permitting process for permittees to obtain information on the approximate location of municipally owned or operated systems near the permitted work or excavation area.

Digest of the bill as proposed by the Conference Committee

Present law provides relative to the Louisiana Underground Utilities and Facilities Damage Prevention Law.

Present law provides for definitions.

Proposed law retains present law and adds a definition for "clear or no conflict", "locate request", "positive response", "ticket", and "ticket number".

Present law requires at least one person present at any underground or submerged excavation or demolition site possess proof of completion of annual training provided free of charge by the regional notification center and exempts excavators and demolishers certified under operator qualification programs pursuant to present law.

Proposed law retains present law and clarifies that the exemption is for excavators or demolishers engaged in logging operations.

Proposed law provides for excavation procedures for broadband development projects funded through the Broadband Equity, Access, and Deployment (BEAD) Program.

Proposed law requires an excavator, demolisher, or operator to provide at least 30 days' advanced notice to all operators with underground facilities located in the proposed project area by utilizing the regional notification center. Further clarifies that the notice required by proposed law is separate from and in addition to other notice requirements provided in present law.

Proposed law requires excavators, demolishers, and operators to attempt in good faith to enter into a written coordination agreement after 30 days' notice but before standard marking requirements apply.

Proposed law provides that failure to reach an agreement shall not delay excavation and allows operators to follow either standard marking requirements or an agreed-upon project schedule, while maintaining all existing obligations under present law.

Proposed law requires the executed agreement to be electronically uploaded by the excavator or demolisher to the regional notification center and attached to the large project excavation or demolition ticket and made available at the excavation site for inspection.

Proposed law provides that if required facility markings are not visible and no positive response has been received from an operator, the excavator shall not begin excavation until documented notice is made to the operator of the underground utility or facility. Further requires the operator to mark the facilities or provide a positive response that there is no conflict within three hours from the time of contact. Allows the excavation, exercised with due care, if the operator fails to respond within three hours of contact.

Proposed law requires any excavator or demolisher performing excavation activities in the public right-of-way for a broadband development project to display signage at the excavation site identifying the excavator or demolisher, the broadband service provider for whom the work is being performed, and a contact telephone number or email address for project inquiries.

Proposed law provides that the provisions of proposed law terminate on August 1, 2030.

Present law requires an underground utility or facility operator to notify the excavator prior to the mark-by-time if the operator determines its facilities are not in conflict with the excavation location or if it determines that its underground facilities are not fully marked for locating purposes. Provides that notification to the regional notification center that generated the locate request satisfies the positive response requirement.

Proposed law repeals present law and requires a facility operator to provide a positive response through the regional notification center before the expiration of the time allowed for marking, indicating whether the operator's facilities are present and marked, not present, or whether additional time is required.

Present law provides that if the operator does not visibly mark the location of these utilities or facilities, the operator shall provide information to enable an excavator using reasonable and prudent means to determine the approximate location of the utility or facility.

Proposed law retains present law and adds that the reasonable and prudent means include written or electronic information in the form of maps, drawings, or GPS coordinates showing any potential conflicts within the area of planned excavation.

Present law allows incorporated municipalities and parish governments that own or operate certain underground facilities to opt out of the Underground Utilities and Facilities Damage Prevention Law by adopting and filing an ordinance with the secretary of state's office expressing such intent by specified deadlines. Further provides that municipalities or parish governments created after July 1, 1997, may opt out by adopting such ordinance within one year of their creation or first municipal election.

Proposed law amends present law to provide that if the parish government has a population of not less than 383,900 and no more than 448,000 persons according to the most recent federal decennial census and owns or operates certain underground facilities and adopted an ordinance before December 21, 1998, indicating its desire to be excluded from present law shall be exempt from the requirements of the La. Underground and Facilities Damage Prevention Law.

Proposed law removes present law that requires the ordinance to be filed with the secretary of state and that provides that failure to adopt such ordinance results in applicability of the law. Proposed law also removes provisions allowing municipalities or parish governments created after July 1, 1997, to opt out within one year.

Proposed law adds the requirement that the exemption apply to all such systems that are owned or operated by the incorporated municipality or parish government including those systems existing at the time that the incorporated municipality or parish government adopted the ordinance indicating its desire to be excluded from the provisions of present and proposed law and those subsequently established or acquired.

Proposed law provides that each exempt incorporated municipality, parish government, and public utility shall maintain a permitting process or other established procedure through which a permittee may obtain, if available, information regarding the approximate location of such systems owned or operated by the incorporated municipality, parish government, or public utility that are situated in the immediate vicinity of the permitted work or area of excavation.

Proposed law authorizes certain incorporated municipalities having a population between 66,000 and 66,500 persons, according to the most recent federal decennial census from the requirements of La. Underground and Facilities Damage Prevention Law and requires each incorporated municipality to maintain a permitting process for permittees to obtain information on the approximate location of municipally owned or operated systems near the permitted work or excavation area.

Present law provides that the deputy secretary for the office of public safety services, Dept. of Public Safety and Corrections, or any local law enforcement agency shall have the right to:

- (1) Monitor any excavation or demolition, including requests for the excavator or demolisher to provide the locate request number issued by a regional notification center.
- (2) Issue citations for violations of the provisions of present law.
- (3) Seek restraining orders, injunctions, or any other available civil remedies.

Proposed law retains present law and adds the authorization for the Dept. of Public Safety and Corrections or any local law enforcement officer to order the cessation of excavation or demolition activities when the officer has reasonable cause to believe the excavator is in violation of present law. Defines "reasonable cause".

(Amends R.S. 40:1749.12, 1749.13(B)(6), 1749.14(C)(2) and (C)(4), 1749.18(B)(4), and 1749.19; adds R.S. 40:1749.13(F) and 1749.23(B)(4))