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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Elizabeth O'Quin.

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DIGEST

SB 169 Original

2021 Regular Session

Allain

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

Present law provides that except as provided by law, no person shall excavate or demolish in any street, highway, public place, or servitude of any operator, or near the location of an underground facility or utility, or on the premises of a customer served by an underground facility or utility without having first ascertained, as provided by law, the specific location of all underground facilities or utilities in the area that would be affected by the proposed excavation or demolition.

Present law provides that prior to any excavation or demolition, each excavator or demolisher shall serve telephonic or electronic notice of the intent to excavate or demolish to the regional notification center or centers serving the area in which the proposed excavation or demolition is to take place.

Present law defines "excavation" or "excavate" to mean any operation causing movement or removal of earth, rock, or other materials in or on the ground or submerged in a marine environment that could reasonably result in damage to underground or submerged utilities or facilities by the use of powered or mechanical or manual means, including but not limited to pile driving, digging, blasting, augering, boring, back filling, dredging, compaction, plowing-in, trenching, ditching, tunneling, land-leveling, grading, and mechanical probing. "excavation" or "excavate" shall not include manual probing or any force majeure, act of God, or act of nature.

Proposed law adds normal farming operations as an exception to the definition of "excavation" or "excavate" and changes the definition of "excavation" or "excavate" with regards to an exception from any force majeure, act of God, or act of nature to any activity resulting from force majeure related occurrences, including but not limited to an act of God or an act of nature.

Proposed law defines "normal farming operations" as the following operations or activities for agriculture cultivation purposes:

- (1) Operations or activities that do not encroach upon a private utility or pipeline servitude, public right-of-way, or public franchise area.
- (2) Operations or activities that do encroach upon a private utility or pipeline servitude and the depth is less than 12 inches in the soil below the existing surface grade.

Effective August 1, 2021.

(Amends R.S. 40:1749.12(7) and (12)-(18); adds R.S. 40:1749.12(19))