
DIGEST

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HB 397 Engrossed

2024 Regular Session

St. Blanc

Abstract: Provides relative to the Louisiana Underground Utilities and Facilities Damage Prevention Law.

Present law provides for definitions.

Proposed law retains present law and adds the definitions for "large project excavation or demolition", "marine excavator", and "routine excavation or demolition".

Present law provides for what information is included in a notice of intent to excavate or demolish, and if the excavation or demolition is part of a larger project, the notice shall be confined to the actual area of proposed excavation or demolition that will occur during the 20-day time period under present law.

Proposed law amends present law to require that all notices shall be confined to the actual area of proposed excavation or demolition that will occur during the 20-day time period under present law.

Proposed law provides for the purpose of proposed law.

Proposed law provides for what proposed law shall be applied to.

Proposed law requires that upon an excavator or demolisher contacting the regional notification center to provide notice of excavation or demolition, the excavator or demolisher may request that the excavation or demolition be recognized as a large project excavation or demolition. At which time, the regional notification center shall notify all affected underground utility and facility operators that a large project excavation or demolition request has been submitted.

Proposed law requires that a large project excavation or demolition request shall only be submitted electronically to the regional notification center at least 10 business days prior to the commencement of the excavation or demolition.

Proposed law provides for what shall be included in the submission of a large project excavation or demolition request.

Proposed law provides that upon receipt of the large project excavation or demolition notification request, operators of underground utilities or facilities and the requesting excavator or demolisher may attempt to reach a mutual agreement in writing to determine certain details of the project that

the operator and excavator or demolisher mutually agree needs to be included in the written agreement. In no event shall an agreement be entered into pursuant to proposed law for a duration of more than 90 calendar days.

Proposed law provides that if a mutual agreement between the operator and the excavator or demolisher cannot be reached, the large project excavation or demolition notification request shall be deemed null and void, and the provisions of present and proposed law shall apply.

Present law provides that each operator of an underground facility or utility, after having received the notification request from the regional notification center of an intent to excavate or an intent to conduct normal commercial farming operations, shall supply, prior to the proposed excavation or normal commercial farming operation, certain information.

Proposed law retains present law.

Present law provides that when the utility or facility operator has marked the location of underground facilities or utilities, the marking shall be deemed good as long as visible but not longer than 20 calendar days, including weekends and holidays, from the mark-by time.

Proposed law provides that present law applies unless the notice was designated as a large project excavation or demolition and a written agreement has been reached between the operator and the excavator or demolisher.

Present law provides that if the proposed excavation or demolition activity could impact a pipeline located on or in water, the commissioner may extend the time period allowed for completion of the excavation or demolition. An additional notice to the regional notification center shall be given when the marks are no longer visible or if the excavation or demolition cannot be completed within 20 calendar days from the mark-by time, whichever occurs first.

Proposed law amends present law to clarify that an additional notification is needed if marks are not visible or the excavation or demolition cannot be completed within 20 calendar days from mark-by time.

Proposed law adds that a large project excavation or demolition has 90 calendar days to complete excavation or demolition before additional notice is required.

Present law provides that the case whereby a forestry excavator or agricultural excavator has requested that the utilities and facilities be marked for location, the operator of a utility or facility shall mark the area of their utilities or facilities. The markings provided shall be deemed good as long as they are visible or up to 30 calendar days from the time the markings were made, whichever is shorter.

Proposed law retains present law and also allows for a marine excavator to make a request.

Present law provides that an excavator shall certify in the notice required in present law that the

situation poses an imminent threat or danger to life, health, or property or is the result of an unplanned utility outage and requires immediate action and that the excavator, or owner, or operator has a crew on site.

Proposed law amends present law and changes crew to personnel.

Present law provides that an owner or operator of a natural gas pipeline that is inactive, has a certain diameter, and is located in a parish with a certain population shall maintain the minimum amount of ground cover as provided by present law. If the minimum amount of ground cover has not been maintained then the owner or operator of the natural gas pipeline shall, at his own expense, restore the minimum amount of cover over the pipeline prior to the pipeline being reactivated.

Proposed law repeals present law.

Present law provides for when present law shall become void.

Proposed law repeals present law.

Effective January 1, 2025.

(Amends R.S. 40:1749.13(B)(2), 1749.14(C)(1)(b)(iii) and (v), and 1749.15(B); Adds R.S. 40:1749.12(20)-(22) and 1749.13(E); Repeals R.S. 40:1749.21(C) and (D))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.