

2026 Regular Session

HOUSE BILL NO. 259

BY REPRESENTATIVE DEWITT

UTILITIES: Provides relative to the repair of damaged infrastructure from certain excavators or demolishers

1 AN ACT

2 To enact R.S. 40:1749.28, relative to the repair of damaged infrastructure from certain  
3 excavators or demolishers; to provide for definitions; to provide for notice; to  
4 provide for coordination; to provide for a point of contact; to provide for fault; to  
5 provide for the repair of damage; to provide for the reimbursement of funds; and to  
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1749.28 is hereby enacted to read as follows:

9 §1749.28. BEAD excavations; requirements for repair

10 A. For the purpose of this Section, "BEAD Program" means the Broadband  
11 Equity, Access, and Deployment Program administered by the National  
12 Telecommunications and Information administration of the United States  
13 Department of Commerce.

14 B. Notwithstanding the notice requirements outlined in R.S. 40:1749.13, an  
15 excavator or demolisher who is excavating or demolishing utilizing funding provided  
16 by the BEAD Program shall be required to give notice at least one calendar week in  
17 advance of the commencement of any excavation or demolition activity.

18 C.(1) Prior to the commencement of any excavation or demolition activity  
19 utilizing funding provided by the BEAD Program, the excavator or demolisher who  
20 is excavating or demolishing utilizing funding provided by the BEAD Program shall

1 conduct pre-construction coordination with all known operators of underground  
2 utilities or facilities within the proposed project area.

3 (2) Coordination shall include, at a minimum, all of the following:

4 (a) Verification of the location of underground facilities through available  
5 records and field markings.

6 (b) Identification of potential conflicts between proposed excavation and  
7 existing facilities.

8 (c) Communication of construction methods, timelines, and areas of planned  
9 excavation.

10 (3) Operators of underground utilities or facilities shall cooperate in good  
11 faith in such coordination and provide available information regarding the location  
12 of their facilities.

13 (4) The office of broadband development and connectivity may establish  
14 rules or guidance to implement the provisions of this Subsection.

15 (5) The excavator or demolisher who is excavating or demolishing utilizing  
16 funding provided by the BEAD Program shall maintain documentation of such  
17 coordination and make the documentation available to the office of broadband  
18 development and connectivity upon request.

19 D.(1) Each excavator or demolisher who is excavating or demolishing  
20 utilizing funding provided by the BEAD Program performing work utilizing funding  
21 provided by the BEAD Program shall designate a primary point of contact  
22 responsible for coordination and communication regarding construction activities  
23 within each parish or municipality in which work is performed.

24 (2) The designated point of contact shall do both of the following:

25 (a) Be available during normal business hours and reasonably available  
26 during active construction operations.

27 (b) Be authorized to respond to issues related to underground utility  
28 conflicts, damages, and coordination with local officials.

1           (3) The name and contact information of the designated point of contact shall  
2           be provided prior to the commencement of construction to all of the following:

3           (a) The governing authority of each affected parish or municipality.

4           (b) The office of broadband development and connectivity.

5           (4) The excavator or demolisher who is excavating or demolishing utilizing  
6           funding provided by the BEAD Program shall update the contact information as  
7           necessary to ensure accuracy throughout the duration of the project.

8           (5) The designated point of contact shall be capable of responding to  
9           emergency situations within a reasonable timeframe, including coordination of  
10          immediate corrective actions in the event of damage to underground utilities.

11          E. An excavator or demolisher who is excavating or demolishing utilizing  
12          funding provided by the BEAD Program that damages an underground utility or  
13          facility shall be responsible for all of the following:

14          (1) Providing immediate measures to prevent further damage and to stop any  
15          leakage.

16          (2) Notifying the relevant parties pursuant to this Chapter immediately.

17          (3) Repairing the damage or paying the cost to repair the damage, if the  
18          excavator or demolisher who is excavating or demolishing utilizing funding provided  
19          by the BEAD Program is determined to be at fault for such damage in accordance  
20          with the provisions of this Chapter.

21          F.(1) For purposes of this Section, fault shall be determined based on  
22          compliance with all applicable notice, marking, and excavation requirements set  
23          forth in this Chapter, including but not limited to the accuracy of utility location  
24          markings and adherence to safe digging practices.

25          (2) An excavator or demolisher who is excavating or demolishing utilizing  
26          funding provided by the BEAD Program shall not be considered at fault where  
27          damage results from inaccurate, incomplete, or untimely facility location markings  
28          provided by an operator.

- 1           G. An excavator or demolisher who is excavating or demolishing utilizing  
 2           funding provided by the BEAD Program who is in violation of Subsection C of this  
 3           Section shall not receive its final reimbursement from the office of broadband  
 4           development and connectivity pursuant to R.S. 51:2370.32 until it is in compliance  
 5           with Subsection C of this Section.
- 6           H. Except as outlined in this Section, excavators or demolishers who are  
 7           excavating or demolishing utilizing funding provided by the BEAD Program shall  
 8           be subject to the provisions of this Chapter.

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 259 Engrossed

2026 Regular Session

Dewitt

**Abstract:** Provides relative to the repair of damaged infrastructure from certain excavators or demolishers.

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

Proposed law retains proposed law and provides for excavation and demolition regarding BEAD Program funding.

Proposed law defines "BEAD Program".

Proposed law provides that certain excavators or demolishers shall be required to give notice at least one calendar week in advance of the commencement of any excavation or demolition activity.

Proposed law provides that prior to the commencement of any excavation or demolition activity utilizing funding provided by the BEAD Program, the excavator or demolisher who is excavating or demolishing utilizing funding provided by the BEAD Program shall conduct pre-construction coordination with all known operators of underground utilities or facilities within the proposed project area.

Proposed law further provides for requirements relative to coordination.

Proposed law provides that an excavator or demolisher who is excavating or demolishing utilizing funding provided by the BEAD Program performing work utilizing funding provided by the BEAD Program shall designate a primary point of contact responsible for coordination and communication regarding construction activities within each parish or municipality in which work is performed.

Proposed law further provides for requirements relative to the point of contact.

Proposed law provides that an excavator or demolisher who is excavating or demolishing utilizing funding provided by the BEAD Program that damages an underground utility or facility shall be responsible for all of the following:

- (1) Providing immediate measures to prevent further damage and to stop any leakage.
- (2) Notifying the relevant parties pursuant to present law immediately.
- (3) Repairing the damage or paying the cost to repair the damage, if the excavator or demolisher who is excavating or demolishing utilizing funding provided by the BEAD Program is determined to be at fault for such damage in accordance with the provisions of present and proposed law.

Proposed law provides for how fault is determined.

Proposed law provides for the requirements for certain excavators or demolishers to receive final reimbursement of funds from the office of broadband development and connectivity.

Proposed law provides for applicability.

(Adds R.S. 40:1749.28)

#### Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Require preconstruction coordination.
3. Require a point of contact for a project.
4. Amend proposed law regarding requirements to repair so that an excavator or demolisher utilizing BEAD funding is responsible for repairing the damage or paying the cost to repair the damage, if the excavator or demolisher who is excavating or demolishing utilizing funding provided by the BEAD Program is determined to be at fault.
5. Add how fault is determined.