

2026 Regular Session

SENATE BILL NO. 469

BY SENATOR ABRAHAM

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

1 AN ACT  
2 To amend and reenact R.S. 40:1749.12, 1749.13(B)(6), 1749.14(A) and (C)(4), and  
3 1749.18(B)(4)(b), to enact R.S. 40:1749.13(F) and 1749.23(B)(4), and to repeal R.S.  
4 40:1749.19, relative to the Louisiana Underground Utilities and Facilities Damage  
5 Prevention Law; to provide for regional notification centers; to provide for  
6 enforcement of excavation or demolition; to provided for notices; to provide for  
7 exemptions; to provide for terms, conditions, and definitions; and to provide for  
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:1749.12, 1749.13(B)(6), 1749.14(A) and (C)(4), and  
11 1749.18(B)(4)(b) are hereby amended and reenacted and R.S. 40:1749.13(F) and  
12 1749.23(B)(4) are hereby enacted to read as follows:

13 §1749.12. Definitions

14 As used in this Part, the following terms have the meanings ascribed to them  
15 in this Section:

16 (1) "Agricultural excavator" means a person who owns or operates a farm and  
17 is directly involved in the cultivation of land or crops or who raises livestock.

1                    **(2) "Clear or no conflict" means a response provided by an owner or**  
2                    **operator of underground utilities or facilities when the owner or operator**  
3                    **determines that its facilities or utilities are not in conflict with the proposed area**  
4                    **of excavation.**

5                    ~~(2)~~**(3)** "Commissioner" means the commissioner of conservation.

6                    ~~(3)~~**(4)** "Damage" means any defacing, scraping, gouging, breaking, cutting,  
7                    or displacement of, impact upon or removal of an underground facility or utility or  
8                    its means of primary support.

9                    ~~(4)~~**(5)** "Demolisher" means any person engaged in the act of demolishing as  
10                    defined in Paragraph ~~(2)~~**(6)** of this Section.

11                    ~~(5)~~**(6)** "Demolition" means the total or partial wrecking, razing, rendering,  
12                    moving, or removing of any building or structure, movable or immovable.

13                    ~~(6)~~**(7)** "Emergency" means any crisis situation which poses an imminent  
14                    threat or danger to life, health, or property, which requires immediate action, if such  
15                    action is taken. The term also includes an unplanned utility outage, which requires  
16                    immediate action, if such action is taken.

17                    ~~(7)~~**(8)** "Excavation" or "excavate" means any operation causing movement  
18                    or removal of earth, rock, or other materials in or on the ground or submerged in a  
19                    marine environment that could reasonably result in damage to underground or  
20                    submerged utilities or facilities by the use of powered or mechanical or manual  
21                    means, including but not limited to pile driving, digging, blasting, augering, boring,  
22                    back filling, dredging, compaction, plowing-in, trenching, ditching, tunneling,  
23                    land-leveling, grading, and mechanical probing. "Excavation" or "excavate" shall not  
24                    include manual probing, normal commercial farming operations, or any activity  
25                    resulting from force majeure related occurrences, including but not limited to an act  
26                    of God or an act of nature.

27                    ~~(8)~~**(9)** "Excavator" means any person who engages in excavation operations.

28                    ~~(9)~~**(10)** "Forestry excavator" means an excavator who is a logger, prescribed  
29                    burner, site preparation operator, or tree planter for commercial forestry operations.

1           ~~(10)~~**(11)** "Inclement weather" means weather that prohibits or impedes a  
2 worker's use of his locating equipment or causes undue risk to himself or his  
3 equipment such as lightning, heavy rain, tornadoes, hurricanes, floods, sleet, snow,  
4 or flooding conditions.

5           ~~(11)~~**(12)** "Large project excavation or demolition" means excavation or  
6 demolition activity within a contiguous area that cannot reasonably be completed  
7 within twenty calendar days for routine demolition or excavation or within thirty  
8 calendar days for agricultural, forestry, or marine excavation or demolition activity.

9           **(13) "Locate request" means a communication between an excavator or**  
10 **demolisher and the regional notification center in which a request for locating**  
11 **underground utilities or facilities is processed.**

12           ~~(12)~~**(14)** "Marine excavator" means an excavator or demolisher who is  
13 performing excavation or demolition in areas such as swamps, wetlands, shallow  
14 water, waterways, rivers, bayous, bays, lakes, the sea, and arms of the sea.

15           ~~(13)~~**(15)** "Mark-by time" is the date and time provided by the regional  
16 notification center by which the utility or facility operator is required to mark the  
17 location or provide information to enable an excavator or demolisher, using  
18 reasonable and prudent means, to determine the specific location of the utility or  
19 facility as provided for in R.S. 40:1749.14(D). The mark-by time may be extended  
20 if mutually agreed upon and documented between the excavator and operator.

21           ~~(14)~~**(16)** "Normal commercial farming operations" means the following  
22 operations or activities for agriculture cultivation purposes:

23           (a) Operations or activities that do not encroach upon a private utility or  
24 pipeline servitude, public right-of-way, or a public franchise area.

25           (b) Operations or activities that do encroach upon a private utility or pipeline  
26 servitude and the depth of the excavation is less than twelve inches in the soil below  
27 the existing surface grade.

28           ~~(15)~~**(17)** "Operator" means any person who owns or operates a public or  
29 private underground facility or utility which furnishes a service or material or stores,

1 transports, or transmits electric energy, steam, oil, gases, natural gas, gas, mixture  
2 of gases, petroleum, petroleum products, hazardous or flammable fluids, toxic or  
3 corrosive fluids/gases, including telephone or telegraph system, fiber optic electronic  
4 communication systems, or water or water systems, or drainage, sewer systems, or  
5 traffic control systems or other items of like nature.

6 ~~(16)~~**(18)** "Person" means an individual, firm, partnership, association, limited  
7 liability company, corporation, joint venture, municipality, governmental agency,  
8 political subdivision, or agent of the state or any legal representative thereof.

9 ~~(17)~~**(19)** "Pipeline" means all intrastate and interstate pipeline facilities  
10 defined by 49 CFR 192.3 and 49 CFR 195.2.

11 **(20) "Positive response" means once a facility owner or facility operator**  
12 **marks the location of existing facilities in the proposed excavation area or**  
13 **determines that excavation or demolition is not in conflict with any existing**  
14 **underground facilities, the facility owner or facility operator then notifies the**  
15 **excavator of the status of the location request ticket by appropriate response**  
16 **through the regional notification center's positive response system.**

17 ~~(18)~~**(21)** "Regional notification center" means any one of the following:

18 (a) An entity designated as nonprofit by the Internal Revenue Service under  
19 Section 501(c) of the Internal Revenue Code and which is organized to protect its  
20 members from damage and is certified by the Department of Public Safety and  
21 Corrections in accordance with this Part.

22 (b) An organization of operators, consisting of two or more separate operators  
23 who jointly have underground utilities or facilities in three or more parishes in  
24 Louisiana, which is organized to protect its own installation from damage and has  
25 been certified by the Department of Public Safety and Corrections in accordance  
26 with this Part.

27 (c) An operator who has underground utilities or facilities in a majority of  
28 parishes in Louisiana and is organized to protect its own installation from damage,  
29 and has been certified by the Department of Public Safety and Corrections in

1 accordance with this Part.

2 ~~(19)~~(22) "Routine excavation or demolition" means excavation or demolition  
3 activity that requires no more than twenty calendar days to be completed, and no  
4 more than thirty calendar days for agricultural, forestry, or marine excavation or  
5 demolition activity.

6 ~~(20)~~(23) "Service line or lines" means underground facilities or utilities  
7 which provide power, gas, natural gas, communication, or water capabilities to a  
8 building or structure or buildings or group of structures.

9 **(24) "Ticket" means the notification sent by the regional notification**  
10 **center to any owner or operator who has a facility located within the proposed**  
11 **area of excavation.**

12 **(25) "Ticket number" means a unique identification number assigned by**  
13 **the regional notification center to each locate request.**

14 ~~(21)~~(26) "Underground facility or utility" means any pipe, conduit, duct,  
15 wire, cable, valve, line, fiber optic equipment, or other structure which is buried or  
16 placed below ground or submerged for use in connection with storage, conveyance,  
17 transmission, or protection of electronics communication system, telephone or  
18 telegraph system, or fiber optic, electric energy, oil, natural gas, gas, gases, steam,  
19 mixture of gases, petroleum, petroleum products, hazardous or flammable  
20 fluids/gases, toxic or corrosive fluids/gases, hazardous fluids/gases, or other  
21 substances of like nature or water or water systems, sewer systems or traffic,  
22 drainage control systems, or other items of like nature.

23 ~~(22)~~(27) "Wildfire" means an uncontrolled combustion of natural vegetation.

24 §1749.13. Excavation and demolition; prohibitions

25 \* \* \*

26 B.(1) \* \* \*

27 (6) At least one person on any underground or submerged excavation or  
28 demolition site shall have proof of completion of the training and education provided  
29 by the Regional Notification Center. Training is required on an annual basis through

1 the Regional Notification Center and shall be available through its website free of  
2 charge. Excavators or demolishers engaged in logging operations, or those who  
3 have been certified by an operator qualification program subject to Title 49; CFR;  
4 Part 192 or Part 195, shall be exempt from this requirement.

5 \* \* \*

6 F.(1) The provisions of this Subsection shall apply only to excavation  
7 activities performed in connection with broadband development projects  
8 funded in whole or in part through the Broadband Equity, Access, and  
9 Deployment (BEAD) Program.

10 (2) Prior to commencing excavation on a BEAD-funded broadband  
11 project, an excavator shall provide not less than thirty days advance notice to  
12 all operators with underground facilities located in the proposed project area  
13 by utilizing the regional notification center's large project excavation or  
14 demolition locate request.

15 (3) After providing thirty days advanced notice, but prior to the  
16 requirements of R.S. 40:1749.13(B), the excavator or demolisher and the  
17 operator having facilities within the excavation project area shall attempt in  
18 good faith to enter into a mutual written agreement that shall determine the  
19 scope of work, the mark-by-times, and any other project-specific coordination  
20 requirements. The agreement shall not be unreasonably withheld, conditioned,  
21 or delayed. In the event the parties are unable to reach a mutual written  
22 agreement, excavation shall not be delayed on that basis alone. The operator  
23 may comply with either of the following:

24 (a) The standard marking requirements and timelines set forth in this  
25 Chapter.

26 (b) At the operator's election, any marking schedule or coordination  
27 agreement already agreed to by other operators for the same excavation  
28 project. Nothing in this Section shall relieve any party of its obligations under  
29 this Chapter.

1           **(4) Each executed written agreement shall be electronically uploaded by**  
2           **the excavator or demolisher to the regional notification center and attached to**  
3           **the applicable large project excavation or demolition ticket. The written**  
4           **agreement shall be available at the excavation site for inspection.**

5           **(5) If facility markings are not visible at the time excavation is to**  
6           **commence, and no positive response has been provided by the operator with any**  
7           **underground utility or facility in conflict in the proposed area of excavation, the**  
8           **excavator shall not begin excavation until documented notice is made to the**  
9           **operator of the underground utility or facility. The operator shall have three**  
10           **hours from the time documented notice is made to either mark the facility or**  
11           **provide a positive response that there is no conflict. If the operator fails to**  
12           **respond within three hours of the documented notice, the excavation may**  
13           **commence with the excavator or demolisher exercising due care to protect any**  
14           **underground utility or facility within the area of excavation.**

15           **(6) Any excavator or demolisher performing excavation activities in the**  
16           **public right-of-way pursuant to a BEAD-funded broadband project shall**  
17           **display, at the excavation site, signage identifying the excavator, demolisher or**  
18           **their agents or contractors, the broadband service provider for whom the work**  
19           **is being performed, and a telephone number or email address for project**  
20           **inquiries.**

21           **(7) Each project shall comply with the provisions of this Part.**

22           **(8) The provisions of this Subsection shall terminate on August 1, 2030.**

23           §1749.14. Regional notification center

24           A. Each operator of an underground utility or facility, including all state  
25           agencies and political subdivisions of the state, shall become a member of,  
26           participate in, and share the cost of a regional notification center, ~~except as provided~~  
27           ~~for in R.S. 40:1749.19.~~ Each regional notification center shall have the capability to  
28           receive emergency locate requests twenty-four hours a day and to disseminate the  
29           information as soon as it is received to the appropriate operators and all affected

1 regional notification centers in this state.

2 \* \* \*

3 C.(1) \* \* \*

4 \* \* \*

5 (4) ~~Should an underground utility or facility operator determine that its~~  
6 ~~underground facilities are not in conflict with the location of the request or determine~~  
7 ~~that its underground facilities are not fully marked for locating purposes, a~~  
8 ~~notification shall be sent to the excavator prior to the mark-by time. A notification~~  
9 ~~to the regional notification center that generated the location request shall suffice for~~  
10 ~~compliance with this Section as it pertains to positive response~~ **A facility operator**  
11 **shall provide a positive response through the regional notification center before**  
12 **expiration of the time allowed for marking. The response shall indicate whether**  
13 **the operator's facilities are present and marked, not present, or that additional**  
14 **time is required.**

15 \* \* \*

16 §1749.18. Certification of a regional notification center by Department of Public  
17 Safety and Corrections

18 \* \* \*

19 B. For the purposes of promoting cost effectiveness, ease of use, safety, and  
20 the protection of property, workmen, and citizens from damage, injury, and death,  
21 the rules and regulations shall include but not be limited to requirements that any  
22 regional notification center, that is either certified or that applies for certification  
23 pursuant to the provisions of this Chapter, shall have and maintain the following:

24 \* \* \*

25 (4)(a) Specifically defined geopolitical services areas that are coterminous with  
26 parish boundaries and do not overlap any other defined service area.

27 (b) The provisions of this Paragraph shall apply only to those regional notification  
28 centers described in R.S. 40:1749.12~~(13)~~~~(a)~~**(21)(a)**.

29 \* \* \*



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, demolishers, and operators 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. 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 provides that the executed agreement shall be electronically uploaded by the excavator or demolisher to the regional notification center and attached to 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 each operator of an underground utility or facility, including state agencies and political subdivisions, to become a member of, participate in, and share the cost of a regional notification center, except for voluntary participation by incorporated municipalities and parish governments. Further requires the regional notification center to receive emergency locate requests 24 hours a day and promptly disseminate the information to appropriate operators and affected regional notification centers in the state.

Proposed law retains present law except removes the exemption for voluntary participation by incorporated municipalities and parish governments.

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 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 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 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(A) and (C)(4), and 1749.18(B)(4)(b); adds R.S. 40:1749.13(F) and 1749.23(B)(4); repeals R.S. 40:1749.19)