

RÉSUMÉ DIGEST

ACT 46 (SB 169)

2021 Regular Session

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Prior law provided relative to the La. Underground Utilities and Facilities Damage Prevention Law.

Prior law provided 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.

Prior law provided 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.

Prior law defined "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.

New law adds normal commercial 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.

New law defines "normal commercial 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 of the excavation is less than 12 inches in the soil below the existing surface grade.

Prior law required operators of an underground facility or utility, after having received the notification request from the regional notification center of an intent to excavate, to supply certain information to the person responsible for the excavation.

New law adds this requirement when there is a notification of intent to perform normal commercial farming operations.

Prior law required that each person responsible for an excavation or demolition operation that results in damage to an underground facility or utility, perform certain actions immediately such as notification to certain persons, to minimize hazard, and comply with any other laws and regulations.

New law adds this requirement to commercial farming operations that results in damage to an underground facility or utility.

New law, which becomes null and void on June 30, 2023, requires any owner or operator of a natural gas pipeline that is inactive, has a diameter of a minimum of 15 inches and a maximum of 17 inches, and is located in a parish with a population between 45,000 and 75,000 to maintain the minimum amount of ground cover as provided by 49 CFR Part 192. Provides that if the minimum ground cover has not been maintained then requires the owner or operator of the pipeline to restore, at his own expense, the minimum ground cover over the pipeline prior to the pipeline being reactivated.

Effective August 1, 2021.

(Amends R.S. 40:1749.12(7) and (12)-(18) and 1749.14(C)(1) (intro para) and 1749.17(B) (intro para); adds R.S. 40:1749.12(19) and 1749.21(C) and (D))