

RÉSUMÉ DIGEST

ACT 902 (SB 469)

2026 Regular Session

Abraham

Existing law provides relative to the Louisiana Underground Utilities and Facilities Damage Prevention Law.

Existing law provides for definitions.

New law retains existing law and adds a definition for "clear or no conflict", "locate request", "positive response", "ticket", and "ticket number".

Existing law requires at least one person present at any underground or submerged excavation or demolition site possess proof of completion of annual training provided free of charge by the regional notification center and exempts excavators and demolishers certified under operator qualification programs pursuant to existing law.

New law retains existing law and clarifies that the exemption is for excavators or demolishers engaged in logging operations.

New law provides for provisions relative to excavation procedures for broadband development projects funded through the Broadband Equity, Access, and Deployment (BEAD) Program, which terminate on August 1, 2030.

New law requires, for a BEAD-funded project, an excavator, demolisher, or operator 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. Clarifies that the notice required by new law is separate from and in addition to other notice requirements provided in existing law.

New law requires excavators, demolishers, and operators of BEAD-funded projects to attempt in good faith to enter into a written coordination agreement after 30 days' notice but before standard marking requirements apply. 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 existing law.

New law requires the executed agreement for the BEAD-funded projects be electronically uploaded by the excavator or demolisher to the regional notification center and attached to the large project excavation or demolition ticket and made available at the excavation site for inspection.

New law provides that if for a BEAD-funded project the 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. 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.

New 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.

Prior law required 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 if it determines that its underground facilities are not fully marked for locating purposes. Provided that notification to the regional notification center that generated the locate request satisfies the positive response requirement.

New law repeals prior law and 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.

Existing law provides that if the operator does not visibly mark the location of these utilities or facilities, the operator shall provide information to enable an excavator using reasonable and prudent means to determine the approximate location of the utility or facility.

New law retains existing law and adds that the reasonable and prudent means include written or electronic information in the form of maps, drawings, or GPS coordinates showing any potential conflicts within the area of planned excavation.

Prior law allowed incorporated municipalities and parish governments that owned or operated certain underground facilities to opt out of the Underground Utilities and Facilities Damage Prevention Law by adopting and filing an ordinance with the secretary of state's office expressing such intent by specified deadlines.

Prior law provided that municipalities or parish governments created after July 1, 1997, may opt out by adopting such ordinance within one year of their creation or first municipal election.

New law provides that if the parish government has a population of not less than 383,900 and no more than 448,000 persons according to the most recent federal decennial census and owns or operates certain underground facilities and adopted an ordinance before December 21, 1998, indicating its desire to be excluded from existing law, the parish government shall be exempt from the requirements of the La. Underground and Facilities Damage Prevention Law.

New law adds the requirement that the exemption apply to all such systems that are owned or operated by the incorporated municipality or parish government including those systems existing at the time that the incorporated municipality or parish government adopted the ordinance indicating its desire to be excluded from the provisions of existing and new law and those subsequently established or acquired.

New law provides that each exempt incorporated municipality, parish government, and public utility shall maintain a permitting process or other established procedure through which a permittee may obtain, if available, information regarding the approximate location of such systems owned or operated by the incorporated municipality, parish government, or public utility that are situated in the immediate vicinity of the permitted work or area of excavation.

New law authorizes certain incorporated municipalities having a population between 66,000 and 66,500 persons, according to the most recent federal decennial census from the requirements of La. Underground and Facilities Damage Prevention Law and requires each incorporated municipality to maintain a permitting process for permittees to obtain information on the approximate location of municipally owned or operated systems near the permitted work or excavation area.

Existing 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 existing law.
- (3) Seek restraining orders, injunctions, or any other available civil remedies.

New law retains existing 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 existing law. Defines "reasonable cause".

Effective August 1, 2026.

(Amends R.S. 40:1749.12, 1749.13(B)(6), 1749.14(C)(2) and (4), 1749.18(B)(4), and 1749.19; adds R.S. 40:1749.13(F) and 1749.23(B)(4))