AN ACT

To enact R.S. 51:1206, relative to the public service commission; to provide for excavations by communications operators or excavators; to provide for notice requirements for excavations; to provide for definitions; to provide for enforcement; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:1206 is hereby enacted to read as follows:

§1206. Communications operators; regulation and required notice; powers of the commission; definitions

A. For the purposes of this Section, the following terms have the meanings ascribed to them:

(1) "Communications" means a voice, video, or internet network operated via wired underground infrastructure, including copper, coaxial cable, and fiber.

(2) "Excavation" or "excavate" means 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, 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, normal commercial farming operations, or any activity resulting
from force majeure related occurrences, including but not limited to an act of God
or an act of nature.

(3) "Excavator" means any person who engages in excavation including a
communications operator or his contractor.

(4) "Operator" means any person who owns or operates a public or private
underground facility or utility which furnishes voice, video, or internet services.

(5) "Public service commission" means the Louisiana Public Service
Commission.

B. Notwithstanding the requirements contained in R.S. 40:1749.11 et seq.,
a communications operator or excavator shall provide a forty-eight hour advance
notice to an affected landowner of an excavation that will occur on the property. A
copy of the notice shall be provided to the public service commission.

C. The public service commission shall have and exercise all necessary
power and authority to enforce this Section and is authorized and directed to
promulgate rules and regulations in accordance with the Administrative Procedure
Act, R.S. 49:950 et seq., necessary for the implementation of the provisions of this
Section.

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 1000 Original 2022 Regular Session Hollis

Abstract: Provides relative to notice requirements for excavation by communication
operators or excavators.

Proposed law defines "communications", "excavation" or "excavate", "excavator",
"operator", and "public service commission".

Proposed law provides that notwithstanding the requirements contained in present law (R.S.
40:1749.11 et seq.), a communications operator or excavator shall provide a 48 hour advance
notice to an affected landowner of an excavation that will occur on the property. Proposed
law further provides that a copy of the notice shall be provided to the public service
commission.
Proposed law provides that the public service commission shall have and exercise all necessary power and authority to enforce proposed law and is authorized and directed to promulgate rules and regulations in accordance with present law, necessary for the implementation of the provisions of proposed law.

(Adds R.S. 51:1206)