

2019 Regular Session

SENATE BILL NO. 82

BY SENATOR LAMBERT AND REPRESENTATIVE BISHOP

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

UTILITIES. Provides relative to the Louisiana Underground Utilities and Facilities Damage Prevention Law. (8/1/19)

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AN ACT

To amend and reenact R.S. 40:1749.13(B)(5), 1749.14(C)(1)(b)(iii) and (3), and 1749.22, relative to underground utilities and facilities; to provide for powers and duties of the commissioner of conservation; to provide for time extensions for certain work to be performed; to provide relative to preemption; to provide for certain procedures, terms, and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1749.13(B)(5), 1749.14(C)(1)(b)(iii) and (3), and 1749.22 are hereby amended and reenacted to read as follows:

§1749.13. Excavation and demolition; prohibitions

* * *

B. * * *

(5) The excavator or demolisher shall wait at least forty-eight hours, beginning at 7:00 a.m. on the next working day, following notification, unless mutually agreed upon and documented by the excavator and operator to extend such time, before commencing any excavation or demolition activity, except in the case of an emergency as defined in the provisions of this Part or if informed by the

1 regional notification center that no operators are to be notified. **However, if no**
 2 **agreement for an extension of time can be reached between the excavator and**
 3 **the operator and the excavation or demolition activity could impact a pipeline**
 4 **located on or in water, upon written request by the operator, the commissioner**
 5 **may delay the mark-by time prior to the commencement of any excavation or**
 6 **demolition activity in order to allow for the accurate marking of such pipeline.**

7 * * *

8 §1749.14. Regional notification center

9 * * *

10 C.(1) Each operator of an underground facility or utility, after having
 11 received the notification request from the regional notification center of an intent to
 12 excavate, shall supply, prior to the proposed excavation, the following information
 13 to the person responsible for the excavation:

14 * * *

15 (b)

* * *

16 (iii) When the utility or facility operator has marked the location of
 17 underground facilities or utilities, the marking shall be deemed good as long as
 18 visible but not longer than twenty calendar days, including weekends and holidays,
 19 from the "~~mark by~~" **mark-by** time. **However, if the proposed excavation or**
 20 **demolition activity could impact a pipeline located on or in water, the**
 21 **commissioner may extend the time period allowed for completion of the**
 22 **excavation or demolition.** An additional notice to the regional notification center
 23 shall be given by the excavator or demolisher in accordance with the provisions of
 24 this Part when the marks are no longer visible or if the excavation or demolition
 25 cannot be completed within twenty calendar days from the "~~mark by~~" **mark-by** time,
 26 whichever occurs first.

27 * * *

28 (3) In the event of inclement weather as defined in this Part, the ~~mark by~~
 29 **mark-by** time shall be extended by a duration equal to the duration of the inclement

1 weather. The owner or operator shall notify the excavator or demolisher before the
2 expiration of the ~~mark-by~~ **mark-by** time of the need for such extension.

3 * * *

4 §1749.22. Preemption

5 ~~No~~ **Except as provided in this Part, no** parish, municipal, local, or state
6 governing authority may enact any ordinance or promulgate any rules or regulations
7 which are in conflict with the provisions of this Part.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Michelle Ridge.

DIGEST

SB 82 Original

2019 Regular Session

Lambert

Present law provides relative to underground utilities and facilities.

Present law provides that 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 the specific location of all underground facilities or utilities in the area which would be affected by the proposed excavation or demolition.

Present law provides that prior to any excavation or demolition, each excavator or demolisher shall serve 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 and further provides for the notification procedure.

Present law provides that the excavator or demolisher shall wait at least 48 hours following notification, unless mutually agreed upon and documented by the excavator and operator to extend such time, before beginning the proposed work, except under certain circumstances.

Proposed law provides if the operator and excavator cannot agree to extend the time and the excavation or demolition activity could impact a pipeline located on or in water, upon written request by the operator, the commissioner of conservation may delay the mark-by time prior to the commencement of any excavation or demolition activity in order to allow for the accurate marking of such pipeline.

Present law provides for the responsibilities of a regional call center and an operator once notification of an intent to excavate is received.

Present law provides that the specific location and type of underground utility or facility may, at the operator's option, be marked to locate the utilities or facilities.

Present law provides that when they are marked, such markings shall be deemed good as long as visible but not longer than 20 calendar days from the mark-by time.

Proposed law provides that the commissioner of conservation may extend the time to complete the excavation or demolition activity if such activity could impact a pipeline located on or in water.

Present law provides that no parish, municipal, local, or state governing authority may enact

any ordinance or promulgate any rules or regulations which are in conflict with the provisions of present law.

Proposed law provides that except as provided in present law, no parish, municipal, local, or state governing authority may enact any ordinance or promulgate any rules or regulations which are in conflict with the provisions of present law.

Effective August 1, 2019.

(Amends R.S. 40:1749.13(B)(5), 1749.14(C)(1)(b)(iii) and (3), and 1749.22)