

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),  
3 1749.18(B)(4), and 1749.19 and to enact R.S. 40:1749.13(F) and 1749.23(B)(4),  
4 relative to the Louisiana Underground Utilities and Facilities Damage Prevention  
5 Law; to provide for regional notification centers; to provide for enforcement of  
6 excavation or demolition; to provided for notices; to provide for exemptions; to  
7 provide for terms, conditions, and definitions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:1749.12, 1749.13(B)(6), 1749.14(A) and (C)(4), 1749.18(B)(4),  
10 and 1749.19 are hereby amended and reenacted and R.S. 40:1749.13(F) and 1749.23(B)(4)  
11 are hereby enacted to read as follows:

12 §1749.12. Definitions

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

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

17 **(2) "Clear or no conflict" means a response provided by an owner or**

1        **operator of underground utilities or facilities when the owner or operator**  
2        **determines that its facilities or utilities are not in conflict with the proposed area**  
3        **of excavation.**

4                ~~(2)~~(3) "Commissioner" means the commissioner of conservation.

5                ~~(3)~~(4) "Damage" means any defacing, scraping, gouging, breaking, cutting,  
6        or displacement of, impact upon or removal of an underground facility or utility or  
7        its means of primary support.

8                ~~(4)~~(5) "Demolisher" means any person engaged in the act of demolishing as  
9        defined in Paragraph ~~(2)~~(6) of this Section.

10               ~~(5)~~(6) "Demolition" means the total or partial wrecking, razing, rendering,  
11        moving, or removing of any building or structure, movable or immovable.

12               ~~(6)~~(7) "Emergency" means any crisis situation which poses an imminent  
13        threat or danger to life, health, or property, which requires immediate action, if such  
14        action is taken. The term also includes an unplanned utility outage, which requires  
15        immediate action, if such action is taken.

16               ~~(7)~~(8) "Excavation" or "excavate" means any operation causing movement  
17        or removal of earth, rock, or other materials in or on the ground or submerged in a  
18        marine environment that could reasonably result in damage to underground or  
19        submerged utilities or facilities by the use of powered or mechanical or manual  
20        means, including but not limited to pile driving, digging, blasting, augering, boring,  
21        back filling, dredging, compaction, plowing-in, trenching, ditching, tunneling,  
22        land-leveling, grading, and mechanical probing. "Excavation" or "excavate" shall not  
23        include manual probing, normal commercial farming operations, or any activity  
24        resulting from force majeure related occurrences, including but not limited to an act  
25        of God or an act of nature.

26               ~~(8)~~(9) "Excavator" means any person who engages in excavation operations.

27               ~~(9)~~(10) "Forestry excavator" means an excavator who is a logger, prescribed  
28        burner, site preparation operator, or tree planter for commercial forestry operations.

29               ~~(10)~~(11) "Inclement weather" means weather that prohibits or impedes a

1 worker's use of his locating equipment or causes undue risk to himself or his  
2 equipment such as lightning, heavy rain, tornadoes, hurricanes, floods, sleet, snow,  
3 or flooding conditions.

4 ~~(11)~~**(12)** "Large project excavation or demolition" means excavation or  
5 demolition activity within a contiguous area that cannot reasonably be completed  
6 within twenty calendar days for routine demolition or excavation or within thirty  
7 calendar days for agricultural, forestry, or marine excavation or demolition activity.

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

11 ~~(12)~~**(14)** "Marine excavator" means an excavator or demolisher who is  
12 performing excavation or demolition in areas such as swamps, wetlands, shallow  
13 water, waterways, rivers, bayous, bays, lakes, the sea, and arms of the sea.

14 ~~(13)~~**(15)** "Mark-by time" is the date and time provided by the regional  
15 notification center by which the utility or facility operator is required to mark the  
16 location or provide information to enable an excavator or demolisher, using  
17 reasonable and prudent means, to determine the specific location of the utility or  
18 facility as provided for in R.S. 40:1749.14(D). The mark-by time may be extended  
19 if mutually agreed upon and documented between the excavator and operator.

20 ~~(14)~~**(16)** "Normal commercial farming operations" means the following  
21 operations or activities for agriculture cultivation purposes:

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

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

27 ~~(15)~~**(17)** "Operator" means any person who owns or operates a public or  
28 private underground facility or utility which furnishes a service or material or stores,  
29 transports, or transmits electric energy, steam, oil, gases, natural gas, gas, mixture

1 of gases, petroleum, petroleum products, hazardous or flammable fluids, toxic or  
2 corrosive fluids/gases, including telephone or telegraph system, fiber optic electronic  
3 communication systems, or water or water systems, or drainage, sewer systems, or  
4 traffic control systems or other items of like nature.

5 ~~(16)~~**(18)** "Person" means an individual, firm, partnership, association, limited  
6 liability company, corporation, joint venture, municipality, governmental agency,  
7 political subdivision, or agent of the state or any legal representative thereof.

8 ~~(17)~~**(19)** "Pipeline" means all intrastate and interstate pipeline facilities  
9 defined by 49 CFR 192.3 and 49 CFR 195.2.

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

16 ~~(18)~~**(21)** "Regional notification center" means any one of the following:

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

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

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

1                   ~~(19)~~**(22)** "Routine excavation or demolition" means excavation or demolition  
 2 activity that requires no more than twenty calendar days to be completed, and no  
 3 more than thirty calendar days for agricultural, forestry, or marine excavation or  
 4 demolition activity.

5                   ~~(20)~~**(23)** "Service line or lines" means underground facilities or utilities  
 6 which provide power, gas, natural gas, communication, or water capabilities to a  
 7 building or structure or buildings or group of structures.

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

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

13                   ~~(21)~~**(26)** "Underground facility or utility" means any pipe, conduit, duct,  
 14 wire, cable, valve, line, fiber optic equipment, or other structure which is buried or  
 15 placed below ground or submerged for use in connection with storage, conveyance,  
 16 transmission, or protection of electronics communication system, telephone or  
 17 telegraph system, or fiber optic, electric energy, oil, natural gas, gas, gases, steam,  
 18 mixture of gases, petroleum, petroleum products, hazardous or flammable  
 19 fluids/gases, toxic or corrosive fluids/gases, hazardous fluids/gases, or other  
 20 substances of like nature or water or water systems, sewer systems or traffic,  
 21 drainage control systems, or other items of like nature.

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

23 §1749.13. Excavation and demolition; prohibitions

24   \*       \*       \*

25                   B.(1)   \*       \*       \*

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

1 charge. Excavators or demolishers engaged in logging operations, or those who  
2 have been certified by an operator qualification program subject to Title 49; CFR;  
3 Part 192 or Part 195, shall be exempt from this requirement.

4 \* \* \*

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

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

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

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

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

29 (4) Each executed written agreement shall be electronically uploaded by

1 the excavator or demolisher to the regional notification center and attached to  
2 the applicable large project excavation or demolition ticket. The written  
3 agreement shall be available at the excavation site for inspection.

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

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

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

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

22 §1749.14. Regional notification center

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

1 \* \* \*

2 C.(1) \* \* \*

3 \* \* \*

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

14 \* \* \*

15 §1749.18. Certification of a regional notification center by Department of Public  
16 Safety and Corrections

17 \* \* \*

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

23 \* \* \*

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

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

28 \* \* \*

29 §1749.19. Voluntary participation by incorporated municipalities and parish

1 governments

2 ~~A.~~ Each incorporated municipality or parish government that operates  
3 under a home rule charter that was adopted prior to January 1, 1958, which  
4 owns or operates, in its own right or through a special district or districts created  
5 pursuant to constitutional, home rule, or statutory authority, a drainage system, a  
6 sewer system, drainage, water or water system, telephone or telegraph, fiber optic,  
7 electronics equipment system, traffic control system, or an electrical energy system  
8 ~~and/or a gas or natural gas system underground facility~~ within its local jurisdiction  
9 which would otherwise be included in R.S. 40:1749.14, and which ~~does not desire~~  
10 ~~to be so included, shall adopt an ordinance indicating this desire by~~ adopted an  
11 ordinance on or before December 31, 1998, indicating its desire to be excluded  
12 from the provisions of R.S. 40:1749.14 shall be exempt from the requirements  
13 of R.S. 40:1749.14. This exemption shall apply to all such systems that are  
14 owned or operated by the incorporated municipality or parish government in  
15 its own right or through a special district or districts, including those systems  
16 existing at the time that the incorporated municipality or parish government  
17 adopted the ordinance indicating its desire to be excluded from the provisions  
18 of R.S. 40:1749.14 and those subsequently established or acquired. Each exempt  
19 incorporated municipality, parish government, and public utility shall maintain  
20 a permitting process or other established procedure through which a permittee  
21 may obtain, if available, information regarding the approximate location of  
22 such systems owned or operated by the incorporated municipality, parish  
23 government, or public utility that are situated in the immediate vicinity of the  
24 permitted work or area of excavation. ~~The ordinance shall be filed with the~~  
25 ~~secretary of state for verification purposes. An incorporated municipality or parish~~  
26 ~~government which fails to adopt the ordinance shall be subject to the provisions of~~  
27 ~~this Part on and after December 31, 1998.~~

28 B. Each municipality or parish government which owns or operates in its own  
29 right, or through a special district or districts created pursuant to law, a drainage

1 ~~system, a sewer system, water or water system, telephone or telegraph, fiber optic,~~  
 2 ~~electronics equipment system, traffic control system, an electrical energy system,~~  
 3 ~~natural gas system, and/or a gas system underground facility within its local~~  
 4 ~~jurisdiction which would otherwise be included in R.S. 40:1749.17, and which is~~  
 5 ~~incorporated or created subsequent to July 1, 1997, and which does not desire to be~~  
 6 ~~so included, shall comply with the provisions of Subsection A of this Section within~~  
 7 ~~one year of the date of its first municipal elections or within one year of the date of~~  
 8 ~~creation of a special district.~~

9 \* \* \*

10 §1749.23. Enforcement and adjudication; administration; levy of civil penalties

11 \* \* \*

12 B. The deputy secretary for the office of public safety services in the  
 13 Department of Public Safety and Corrections or any local law enforcement agency  
 14 shall have the right to:

15 \* \* \*

16 **(4) Order the cessation of excavation or demolition activities when the**  
 17 **officer has reasonable cause to believe the excavator is operating in violation of**  
 18 **this Part. Excavation or demolition shall not resume until the excavator**  
 19 **demonstrates compliance with this Part. For the purposes of this Paragraph,**  
 20 **"reasonable cause" means articulable facts observed by the officer that would**  
 21 **lead a reasonable person to believe that a violation of this Part is occurring or**  
 22 **is about to occur, including but not limited to the absence of a valid locate**  
 23 **ticket, an expired ticket, excavation within unmarked or improperly marked**  
 24 **areas, or other observable noncompliance pursuant to this Part.**

25 \* \* \*

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

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## DIGEST

SB 469 Reengrossed

2026 Regular Session

Abraham

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

Present law provides for definitions.

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

Present 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 present law.

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

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 allows incorporated municipalities and parish governments that own or operate underground facilities to opt out of the Underground Utilities and Facilities Damage Prevention Law by adopting and filing an ordinance expressing such intent by specified deadlines. Further provides 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.

Proposed law retains present law exemptions limits the exemption to incorporated municipalities or parish governments operating under a home rule charter adopted prior to January 1, 1958. Provides that entities that adopted an ordinance on or before December 31, 1998, are exempt from certain requirements under present law and that such exemption applies to both existing and subsequently acquired systems.

Proposed law requires exempt entities to maintain a permitting process or other procedure to provide, if available, information regarding the approximate location of underground facilities. Further requires that the ordinance be filed with the secretary of state and that failure to adopt such ordinance results in applicability of the law and removes provisions allowing municipalities or parish governments created after July 1, 1997, to opt out within one year.

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Makes technical changes.

Senate Floor Amendments to engrossed bill

1. Limits the option to opt-out from underground utility regulation to municipalities or parish governments with a home rule charter established prior to January 1, 1958, requires those exempt entities to maintain a process for providing location information on underground facilities, and eliminates the ability of newly created municipalities or districts to opt out of the present law.
2. Makes technical changes.