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DIGEST

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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, 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. Further clarifies that the notice required by proposed law is separate from and in addition to the notice requirements provided in present law.

Proposed law 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 requires the executed agreement to 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.

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 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. Provides that notification to the regional notification center that generated the locate request satisfies the positive response requirement.

Proposed law repeals present 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.

Present 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.

Proposed law retains present 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.

Present law allows incorporated municipalities and parish governments that own or operate 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. 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 repeals the requirement that the ordinance to 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.

Proposed law amends present law to instead provide that if the municipality or parish government that operates under a home rule charter that was adopted prior to January 1, 1958, which owns or operates certain underground facilities and adopted an ordinance before December 21, 1998, indicating its desire to be excluded from present law shall be exempt from the requirements of the present and proposed law.

Proposed law removes present law that requires the ordinance to be filed with the secretary of state and that provides that failure to adopt such ordinance results in applicability of the law. Proposed law also removes provisions allowing municipalities or parish governments created after July 1, 1997, to opt out within one year.

Proposed 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 present and proposed law and those subsequently established or acquired.

Proposed 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.

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".

Proposed law adds that for the projects funded pursuant to the BEAD Program, a stop-work order issued solely for alleged marking noncompliance or excavation zone disputes shall not take immediate effect unless the issuing authority makes a written determination that an imminent threat to life or public safety exists.

Proposed law requires, except as outlined in proposed law, enforcement of a stop-work order be postponed for a four-hour review period during which construction may continue. A rapid dispute resolution panel shall review relevant documentation and attempt resolution. If no resolution is reached, the office or its designated neutral third party shall issue an independent field determination that is binding for purposes of the stop-work order.

Proposed law provides that nothing in proposed law shall be construed to modify federal BEAD Program obligations.

(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), 1749.23(B)(4), and 1749.28)

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.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the reengrossed bill:

- 1. Make technical changes.
- 2. Expands on the means to determine the approximate location of the utility or facility.
- 3. Add that the notice required in proposed law is separate from the notice already required in present law.
- 4. Add proposed law relative to the dispute resolution process for projects that are funded by the BEAD Program.