

**HOUSE SUMMARY OF SENATE AMENDMENTS****HB 259****2026 Regular Session****Dewitt**

UTILITIES: Provides relative to the repair of damaged infrastructure from certain excavators or demolishers

**Synopsis of Senate Amendments**

1. Removes proposed law relative to requirements for excavators or demolishers utilizing BEAD funding.
2. Makes technical changes.
3. Provides for definitions.
4. Requires annual regional notification center training for excavation and demolition sites and makes an exemption for logging operations.
5. Provides excavation procedure for BEAD-funded broadband development projects, to sunset on August 1, 2030.
6. Expands on the means to determine the approximate location of the utility or facility.
7. Requires an operator to provide a positive response through the regional notification center identifying the status of underground facilities before the marking deadline.
8. Limits opt-out exemptions under the Underground Utilities and Facilities Damage Prevention Law to certain home rule municipalities and parish governments, preserves exemptions for qualifying entities that adopted ordinances on or before December 31, 1998, and requires exempt entities to maintain permitting or location information procedures and file ordinances with the secretary of state.
9. Removes the ability of municipalities or parish governments created after July 1, 1997, to opt out within one year.
10. Authorizes certain entities to order the cessation of excavation or demolition activities upon reasonable cause of a violation and prohibits work from resuming until compliance is demonstrated.

**Digest of Bill as Finally Passed by Senate**

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 definitions 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 excavators, 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 requirements of present and proposed law.

Proposed law provides that failure to reach an agreement shall not delay excavation. Proposed law 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 large project excavation or demolition ticket and made available at the excavation site for inspection.

Proposed law provides that if the facility markings are not visible at the time the excavation is to commence 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. Proposed law further provides that the operator shall have three hours from the time documented notice is made to either mark the facility or provide a positive response that there is no conflict and if the operator fails to respond within three hours of the documented notice, the excavation may commence.

Proposed law requires any excavator or demolisher performing excavation activities in the public right-of-way for a BEAD-funded 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 related to BEAD-funded programs terminate on August 1, 2030.

Present law requires operators who do not visibly mark underground utilities or facilities to provide information sufficient for excavators to determine the approximate location of the facilities prior to excavation.

Proposed law retains present law and further provides that such information may include written or electronic maps, drawings, or GPS coordinates showing potential conflicts within the planned excavation area.

Present law provides that should an underground utility or facility operator determine that its underground facilities are not in conflict with the location of the request or determine that its underground facilities are not fully marked for locating purposes, a notification shall be sent to the excavator prior to the mark-by time.

Proposed law repeals present law and instead requires a facility operator to provide a positive response through the regional notification center before expiration of the time allowed for marking. The response shall indicate whether the operator's facilities are present and marked, not present, or that additional time is required.

Present law allows incorporated municipalities and parish governments that own or operate certain underground facilities to opt out of certain provisions 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 certain requirements of present and proposed law.

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 requires that each exempt incorporated municipality, parish government, and public utility 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".

(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))