

Regular Session, 2010
HOUSE BILL NO. 396
BY REPRESENTATIVE ARNOLD

ACT No. 249

1 AN ACT

2 To amend and reenact R.S. 40:1749.12(4), 1749.13(B)(1) and (3), 1749.14(A) and (B), and
3 1749.20(B)(introductory paragraph), to enact R.S. 40:1749.12(14) and
4 1749.14(C)(1)(b)(v), and to repeal R.S. 40:1749.13(E), relative to the Louisiana
5 Underground Utilities and Facilities Damage Prevention Law; to define excavation;
6 to define "forestry excavator"; to require regional notification centers to receive
7 emergency locate requests twenty-four hours a day; to authorize a notice of intent
8 to excavate to be sent electronically; to require a member operator to furnish the
9 regional notification center with emergency contact information; to require a record
10 of electronic notice to be retained by the regional notification center; to require an
11 operator of an underground cable television utility to participate in regional
12 notification centers; to repeal expired temporary notification provisions; to provide
13 for violations; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 40:1749.12(4), 1749.13(B)(1) and (3), 1749.14(A) and (B), and
16 1749.20(B)(introductory paragraph) are hereby amended and reenacted and R.S.
17 40:1749.12(14) and 1749.14(C)(1)(b)(v) are hereby enacted to read as follows:

1 §1749.12. Definitions

2 As used in this Part, the following terms shall have the meanings ascribed to
3 them in this Section:

4 * * *

5 (4) "Excavation" or "excavate" means any operation for the purpose of
6 movement or removal of earth, rock, or other materials in or on the ground by the use
7 of powered or mechanical or manual means, including pile driving, digging, blasting,
8 auguring, boring, back filling, dredging, compressing, plowing-in, trenching,
9 ditching, tunneling, land-leveling, grading, and mechanical probing. "Excavation"
10 or "excavate" shall not include manual probing.

11 * * *

12 (14) "Forestry excavator" means an excavator who is a logger, prescribed
13 burner, site preparation operator, or tree planter for commercial forestry operations.

14 §1749.13. Excavation and demolition; prohibitions

15 * * *

16 B.(1) Except as provided in R.S. 40:1749.15, prior to any excavation or
17 demolition, each excavator or demolisher, ~~including cable television owners or~~
18 ~~operators,~~ shall serve telephonic or electronic notice of the intent to excavate or
19 demolish to the regional notification center or centers serving the area in which the
20 proposed excavation or demolition is to take place. Such notice shall be given to the
21 notification center at least forty-eight hours, but not more than one hundred twenty
22 hours, excluding weekends and holidays, in advance of the commencement of any
23 excavation or demolition activity. Holidays shall consist of the following: New
24 Year's Day; Good Friday; Independence Day; Labor Day; Thanksgiving Day; and
25 Christmas Day, or the days on which those holidays are observed by the state.

26 * * *

1 (3) Telephonic notice shall be recorded on tape or stored into an electronic
 2 data bank by the regional notification center and a record of the notice shall be
 3 retained for a three-year period from the date of notification. A record of an
 4 electronic notice shall also be retained by the regional notification center for a three-
 5 year period from the date of notification.

6 * * *

7 §1749.14. Regional notification center

8 A. Each operator of an underground utility or facility, ~~excluding cable~~
 9 ~~television but~~, including all state agencies and political subdivisions of the state,
 10 shall become a member of, participate in, and share the cost of a regional notification
 11 center, except as provided for in R.S. 40:1749.19. Each regional notification center
 12 shall have the capability to receive emergency locate requests twenty-four hours a
 13 day and to disseminate the information as soon as it is received to the appropriate
 14 operators and all affected regional notification centers in this state.

15 B. A regional notification center receiving a notice of intent to excavate shall
 16 notify all member operators having underground utilities or facilities in or near the
 17 site of the proposed excavation. All member operators shall furnish the regional
 18 notification center with current emergency contact or notification information,
 19 including twenty-four hour telephone numbers.

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

24 * * *

25 (v) In the case whereby a forestry excavator has requested that the utilities
 26 and facilities be marked for location, the operator of a utility or facility shall mark
 27 the area of their utilities or facilities. The markings provided by the operator shall
 28 be deemed good as long as the markings are visible or up to thirty calendar days
 29 from the time the markings were made, whichever is shorter.

30 * * *

