

Regular Session, 2011

SENATE BILL NO. 179

BY SENATOR HEITMEIER

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

TRANSPORTATION/DEV DEPT. Creates a board to operate and manage the Crescent City Connection Division of the Department of Transportation and Development. (7/1/11)

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AN ACT

To amend and reenact R.S. 36:504(A)(9) and 508.2(A) and R.S. 48:1101.1(A), and to enact R.S. 36:509(W) and 801.24, and Part VI-E of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 48:110.1 through 110.4, and to repeal R.S. 47:820.5.3, relative to the Crescent City Connection Division of the Department of Transportation and Development; to create a board to administer, operate, and manage all matters related to the operation of the Crescent City Connection Division of the Department of Transportation and Development; to provide for membership, powers, and duties of the board; to abolish the Crescent City Connection Oversight Authority; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:504(A)(9) and 508.2(A) are hereby amended and reenacted and R.S. 36:509(W) and 801.24 are hereby enacted to read as follows:

§504. Powers and duties of secretary of transportation and development

A. In addition to the functions, powers, and duties otherwise vested in the secretary by law, he shall:

* * *

1 (9) ~~Have absolute control over~~ **Act as the sole agent of the state, or appoint**
2 **subordinates within the department to act, for** the Mississippi River Bridge
3 Authority including but not limited to those responsibilities provided in R.S.
4 48:1101.1, **all as directed by the Crescent City Connection Management Board**
5 **(R.S. 48:110.1-110.4).**

6 * * *

7 §508.2. Office of operations; functions; assistant secretary, powers and duties

8 A. (1) There is hereby created within the Department of Transportation and
9 Development, the office of operations, which shall administer all matters related to
10 the operations of the department's district offices, ~~the Crescent City Connection~~
11 ~~Division, the Sunshine Bridge,~~ and other matters as may be directed by the secretary.

12 (2) **The office of operations shall also administer matters related to the**
13 **operations of the Crescent City Connection Division as directed by the Crescent**
14 **City Connection Management Board (R.S. 48:110.1-110.4) or by the secretary**
15 **at the direction of such board.**

16 * * *

17 §509. Transfer of agencies to Department of Transportation and Development

18 * * *

19 **W. The Crescent City Connection Management Board (R.S. 48:110.1-**
20 **110.4) is placed within the Department of Transportation and Development and**
21 **shall exercise and perform its powers, duties, functions and responsibilities in**
22 **the manner provided for agencies transferred in accordance with the provisions**
23 **of R.S. 36:801.24.**

24 * * *

25 **§801.24. Transfer; Crescent City Connection Management Board**

26 **The agency transferred by the provisions of R.S. 36:509(W) shall be**
27 **transferred as provided in R.S. 36:801, except that the secretary of the**
28 **Department of Transportation and Development shall provide to the board such**
29 **assistance as is necessary for the board to perform its functions as provided by**

1 **law and the secretary shall administer and implement all programs provided**
 2 **or authorized by the board for the administration of all matters related to the**
 3 **Crescent City Connection Division of the Department of Transportation and**
 4 **Development at the direction of and in accordance with the policies, rules, or**
 5 **regulations established by the board for such purpose.**

6 Section 2. R.S. 48:1101.1(A) is hereby amended and reenacted and Part VI-E. of
 7 Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950, comprised of R.S. 48:110.1
 8 through 110.4, is hereby enacted to read as follows:

9 §1101.1. Crescent City Connection police

10 A. The secretary of the Department of Transportation and Development may,
 11 ~~at his discretion~~ **subject to the direction of the Crescent City Connection**
 12 **Management Board**, appoint, fix salaries of, and pay bridge police in accordance
 13 with Department of State Civil Service regulations. **Subject to the direction of the**
 14 **Crescent City Connection Management Board**, ~~The~~ ~~the~~ secretary may make and
 15 amend rules and regulations for the conduct, management, and control of such
 16 police.

17 * * *

18 **PART VI-E**

19 **CRESCENT CITY CONNECTION MANAGEMENT BOARD**

20 **§110.1. Crescent City Connection Management Board; creation; purpose**

21 **A. The Crescent City Connection Management Board, hereinafter**
 22 **referred to as the "board", is hereby created.**

23 **B. The object and purpose of the board shall be, beginning November**
 24 **1, 2011, to do the following:**

25 **(1) Establish policy and direct the actions of the secretary of the**
 26 **Department of Transportation and Development relative to the Mississippi**
 27 **River Bridge Authority.**

28 **(2) Establish policy and direct the actions of the secretary of the**
 29 **Department of Transportation and Development, or the department's office of**

1 operations, in the administration, operation, and management of all matters
2 related to the Crescent City Connection Division of the Department of
3 Transportation and Development, hereinafter referred to as the "CCCD".

4 §110.2. Crescent City Connection Management Board; appointment;
5 qualifications; term

6 A. The board shall be composed of the secretary of the Department of
7 Transportation and Development or his designee and eight members appointed
8 as provided for in this Section:

9 (1) One member with experience in law enforcement, homeland security,
10 or traffic management nominated for appointment by the New Orleans Police
11 Department, the Jefferson Parish Sheriff's Office, the Gretna Police
12 Department, the Westwego Police Department, and the Plaquemines Parish
13 Sheriff's Office.

14 (2) One member who is a traffic engineer licensed in Louisiana and in
15 good standing nominated for appointment by The Greater Jefferson Chamber
16 of Commerce.

17 (3) One member who is a certified public accountant licensed in
18 Louisiana and in good standing nominated for appointment by the Algiers
19 Economic Development Foundation, Inc. and the New Algiers Council of
20 Neighborhood Presidents, Inc.

21 (4) One member who is a bridge or structural engineer licensed in
22 Louisiana and in good standing nominated for appointment by the Harvey
23 Canal Industrial Association.

24 (5) One member nominated for appointment by Friends of the Ferry of
25 New Orleans.

26 (6) One member nominated for appointment by Greater New Orleans,
27 Inc.

28 (7) One member nominated for appointment by the Regional Planning
29 Commission.

1 **(8) One member nominated for appointment by the Plaquemines**
2 **Association of Business and Industry.**

3 **B. (1) Each nominating group or organization shall submit the names of**
4 **at least three persons to the governor. All nominating groups or organizations**
5 **shall submit their list of persons nominated to the governor no later than**
6 **September 1, 2011. If a nominating group or organization fails to timely submit**
7 **a list of names, the governor shall make the appointment subject to professional**
8 **qualification, if applicable.**

9 **(2) The first term of each board member's appointment shall be from**
10 **October 1, 2011 to December 31, 2012. Each term thereafter shall be for four**
11 **years.**

12 **(3) All gubernatorial appointments shall be subject to Senate**
13 **confirmation.**

14 **(4) Appointments made to replace members shall be made by the same**
15 **nominating procedure and in the same manner as for the member replaced.**

16 **(5) No member shall serve more than two consecutive terms.**

17 **C. The secretary of the Department of Transportation and Development**
18 **or his designee shall serve as chairman of the board unless the board elects a**
19 **chairman; however, the first meeting of the board shall be called by the**
20 **secretary and held not later than October 15, 2011.**

21 **§110.3. Crescent City Connection Management Board; meetings; quorum;**
22 **compensation**

23 **A. The board shall meet quarterly, at a minimum, and may meet more**
24 **frequently upon the call of the chairman or upon a majority vote of the**
25 **members. Meetings may be held at the offices of the CCCD or any other**
26 **location approved by majority vote of the board members.**

27 **B. The board shall report its business to the House and Senate**
28 **Committees on Transportation, Highways and Public Works annually**
29 **beginning in 2012 not later than thirty days following the convening of the**

1 Regular Session of the Louisiana Legislature.

2 C. A majority of the board members shall constitute a quorum for the
3 transaction of official business. All official actions of the board shall require an
4 affirmative vote of the members present and voting at any meeting.

5 D. Board members shall not receive any salary, per diem, or other
6 compensation for the performance of their duties, and shall not be reimbursed
7 for mileage or other expenses incurred for attendance at meetings of or on
8 behalf of the board.

9 §110.4. Crescent City Connection Management Board; functions

10 A. The board shall direct the actions of the secretary of the Department
11 of Transportation and Development relative to the Mississippi River Bridge
12 Authority including but not limited to those responsibilities provided in R.S.
13 48:1101.1.

14 B. The board shall establish policy and direct the actions of the secretary
15 of the Department of Transportation and Development, or the department's
16 office of operations, in the administration, operation, and management of all
17 matters related to the CCCD, including but not limited to, directing the
18 secretary and the office with respect to the following actions:

19 (1) The improvement and maintenance of ferry operations and the
20 Crescent City Connection bridges.

21 (2) The appointment of executive management officers for the division.

22 (3) The development and implementation of efficient and effective toll
23 collection systems and routes for CCCD ferries, including ferry pedestrian
24 passengers.

25 (4) Obtaining alternative sources of funding.

26 (5) The development of a plan for the cessation or continuation of bridge
27 and ferry tolls.

28 (6) The development of a plan for the cessation or continuation of ferry
29 operations.

1 **(7) Developing alternative means to finance any unfinished project**
2 **enumerated in R.S. 47:820.5.**

3 **(8) The prioritization of any unfinished project enumerated in R.S.**
4 **47:820.5 from remaining funds after all operation and maintenance expenses**
5 **of the bridges and ferries under the Crescent City Connection Division of the**
6 **Department of Transportation and Development have been paid.**

7 **(9) The operation and maintenance of the Crescent City Connection**
8 **bridge as a toll-free bridge as part of the state highway system.**

9 **(10) The development and implementation of a cost reduction plan to**
10 **consolidate CCCD resources, staff, and services.**

11 **(11) Determining the feasibility of the continuation of the Crescent City**
12 **Connection police force and alternative bridge and ferry police enforcement.**

13 Section 3. R.S. 47:820.5.3 is hereby repealed, effective September 30, 2011, upon
14 which date the Crescent City Connection Oversight Authority is abolished and the
15 appointments of its members are hereby declared vacant.

16 Section 4. This Act is in no way and is to no extent intended to, nor shall it be
17 construed in any manner which will affect or impair the security of any bonds or other debt
18 obligations, or impair the contractual or other obligations, of any agency, office, or
19 department, or of the state of Louisiana.

20 Section 5. Except as provided in Section 3, this Act shall become effective on July
21 1, 2011; if vetoed by the governor and subsequently approved by the legislature, this Act
22 shall become effective on July 1, 2011, or on the day following such approval by the
23 legislature, whichever is later.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Sharon F. Lyles.

DIGEST

179

Present law provides for the Crescent City Connection Oversight Authority (CCCOA), which shall establish priorities of projects from remaining funds after all operation and maintenance expenses of the bridges and ferries of the Crescent City Connection Division (CCCD) have been paid. The CCCOA shall consider the funding of projects approved by the legislature in accordance with R.S. 47:820.5 and shall have access to the accounting of all expenditures, revenues, project priorities, status of ongoing projects, and any other

matters which relate to the Crescent City Connection, its operations, and related projects.

Present law further provides that the CCCOA shall be comprised of 13 members appointed by the governor and subject to confirmation by the Senate from a list of 3 nominees submitted by each of the state senators from Senate districts 1, 3, 5, 6, 7, and 8, and each of the state representatives from House districts 83, 84, 85, 86, 87, 102, and 105. Members shall serve terms of 4 years; however, the first term shall commence on July 1, 1998, and terminate on June 30, 2000. Requires the CCCOA to report to the Senate and House Committee on Transportation, Highways and Public Works.

Proposed law repeals present law and creates the Crescent City Connection Management Board.

Proposed law modifies the powers and duties of the secretary of DOTD relative to the Mississippi River Bridge Authority (MRBA) and the CCCD to authorize the Crescent City Connection Management Board to direct the actions of the secretary or designee of DOTD for the MRBA and the CCCD.

Proposed law provides for a board of 9 members. The members are the secretary of the Department of Transportation and Development or designee, one member with experience in law enforcement, homeland security, or traffic management nominated by certain law enforcement offices, one member who is a traffic engineer nominated by The Greater Jefferson Chamber of Commerce, one member who is a certified public accountant nominated by the Algiers Economic Development Foundation, Inc. and the New Algiers Council of Neighborhood Presidents, Inc., one member who is a structural or bridge engineer nominated by the Harvey Canal Industrial Association, one member nominated by Friends of the Ferry, one member nominated by Greater New Orleans, Inc., one member nominated by the Regional Planning Commission, and one member nominated by the Plaquemines Association of Business and Industry.

Proposed law provides that the board, beginning November 1, 2011, establish policy and direct the actions of the secretary of DOTD for the MRBA and for the operation and management of the CCCD.

Proposed law provides for such organizations to submit a list of names to the governor no later than September 1, 2011. If the lists are not submitted timely, the governor shall make the appointments subject to qualifications. The initial term of the appointees shall commence on Oct. 1, 2011, and shall terminate on Dec. 31, 2012. Subsequent terms shall be for 4 years. Requires the board to report to the Senate and House Committees on Transportation, Highways and Public Works.

Proposed law provides that this Act will not impair the contractual or other obligations of any agency, office, department, or the state of Louisiana.

Section 3 effective September 30, 2011.

Effective July 1, 2011.

(Amends R.S. 36:504(A)(9) and 508.2(A) and R.S. 48:1101.1(A); Adds R.S. 36:509(W) and 801.24 and R.S. 48:110.1 thru 110.4; Repeals R.S. 47:820.5.3)